

CITY OF HAYWARD AGENDA REPORT

AGENDA DATE 06/15/06

AGENDA ITEM 1

WORK SESSION ITEM _____

TO: Planning Commission

FROM: David Rizk, Senior Planner

SUBJECT: Consideration of the South Hayward BART/Mission Boulevard Concept Design Plan and Related Final Environmental Impact Report and Associated Proposed Amendments to the General Plan and Zoning Ordinance

RECOMMENDATION:

It is recommended that the Planning Commission recommend to the City Council:

1. Certification of the Environmental Impact Report as being prepared in accordance with the California Environmental Quality Act and City implementing guidelines; adoption of the Statement of Overriding Considerations; and approval of the Mitigation Monitoring and Reporting Program, based on the attached findings;
2. Adoption of the South Hayward BART/Mission Boulevard Concept Design Plan
3. Adoption of proposed amendments to the General Plan Land Use Map for certain properties within the Concept Design Plan area, as well as amendments to the text of General Plan Appendices C and D (PL-2006-0280GPA), based on the attached findings;
4. Adoption of proposed amendments to the Zoning Map for certain properties within the Concept Design Plan area (PL-2006-0281ZC), based on the attached findings; and
5. Adoption of proposed text change amendments to the Zoning Ordinance and Off-Street Parking Regulations, including creation of the South Hayward BART/Mission Boulevard Special Design District (SD-6) (PL-2006-0282TA), based on the attached findings.

DISCUSSION:

Background

In October of 2004, the City Council authorized the preparation of a conceptual design plan for the South Hayward BART/Mission Boulevard area, as is encouraged in the General Plan. The proposed Concept Design Plan, which was released in January of this year, comprises approximately 240 acres extending both north and south along Mission Boulevard, generally between Harder Road and Industrial Parkway, and focuses primarily on the immediate area surrounding the South Hayward BART station. A summary of the contents and objectives of the Plan is included later in this report.

At this time, staff is requesting that the Planning Commission consider the Concept Design Plan itself, as well as associated amendments to the General Plan Land Use Map and text and the Zoning Ordinance Map and text. Proposed text amendments would entail creation of two new

zoning districts, Station Area Residential and Mission Boulevard Residential, as well as a new special design district, and related changes to the City's off-street parking regulations. The Planning Commission recommendations will be forwarded to the City Council for a public hearing, scheduled for June 27, 2006.

Concept Design Plan

The main purpose of the Plan is to develop a conceptual framework that will help create a vibrant, livable, transit-oriented neighborhood with high-quality, safe, well-used public spaces in proximity to the South Hayward BART Station and along the major transit corridor, Mission Boulevard. In addition, the Plan articulates an overall circulation pattern and transportation linkages for the South Hayward BART Station. Goals that would be achieved through implementation of the Plan include:

1. Conversion of older commercial uses that are no longer economically feasible, to a state-of-the-art, urban-scale residential neighborhood;
2. Provision for intensified land uses to encourage the development of a transit-friendly, smart-growth area near an existing BART station, consistent with regional planning objectives;
3. Provision of opportunities to help Hayward meet its quantified housing objectives contained in the Housing Element of the General Plan;
4. Provision of economic incentives to provide missing public infrastructure improvements or upgrade of older such facilities;
5. Creation of opportunities for new public facilities, including a community center and the expansion of Bowman School; and
6. Increase of local jobs and economic return to the City of Hayward and Hayward Redevelopment Agency.

The Plan describes various land use categories, along with three preliminary development scenarios and the recommended land use scenario. Below is a summary of the key recommendations by staff for land uses in the Plan area:

1. Transit village of highest densities and structured parking with supporting retail uses and enhanced pedestrian/bike circulation around the BART station area, and including a reconfigured bus transit station area;
2. New grocery store/retail complex at the northwest corner of Mission Boulevard and Valle Vista, recognizing desires of the local community for a new grocery store in the area and utilizing opportunities due to an enhanced intersection, the proximity of the BART station and undeveloped state-owned lands;
3. New community center at the southwest corner of Mission Boulevard and Valle Vista Avenue, taking advantage of the contiguous publicly-owned parcels and Valle Vista Park;
4. New residential development in the Dixon Street area, recognizing the large amount of state-owned, undeveloped property in the area, as well as the proximity to the BART station, and enhanced pedestrian and bike trails;
5. Commercial/retail use at the Holiday Bowl site, with the suggestion in the long-term for a hotel/conference facility, recognizing the high visibility of that location, as well as the visual amenities associated with the adjacent Mission Hills of Hayward Golf Course;

6. New commercial retail opportunities in the Plan area, provided via a substantial node along the east side of Mission Boulevard at Tennyson Avenue, recognizing the potential for future developments to be served by the eastward extension of Tennyson Avenue, and provided by mixed use at key intersections, to encourage convenience-oriented retail uses that would serve the neighborhoods;
7. Commercial redevelopment at the Kmart site, with a recommendation for new auto dealerships, to extend Auto Row to approximately 700 feet south of Harder Road; and
8. Extension of the Bowman Elementary School site to Mission Boulevard, to allow for more convenient access and enhanced school facilities.

Proposed Changes to Concept Plan

Reflective of comments received from Council members, Planning Commissioners and the public, staff is recommending the following revisions to the January, 2006 Recommended Land Use Plan:

1. In response to concerns with potential visual impacts along Mission Boulevard and at the rear of single-family homes on 12th Street, the area on the west side of Mission Boulevard between Calhoun Street and Hancock Street has been changed from "Mission Boulevard Residential" to a lesser density of "High Density Residential."
2. In response to concerns regarding massing of buildings and potential visual impacts along sections of Mission Boulevard, the upper end of the density range for "Mission Boulevard Residential" has been reduced from 75.0 to 55.0 units per net acre, resulting in a density range of 34.8 to 55.0 units per net acre.
3. In response to similar concerns indicated in item 2, the upper end of the density range for "Mixed Use" has been reduced from 75.0 to 55.0 units per net acre, resulting in a density range of 34.8 to 55.0 units per net acre.
4. The frontage lane has been removed from the "Mixed Use" site between Hancock and Webster Streets and from the "Commercial" sites north of Tennyson Road on the east side of Mission Boulevard, resulting in no frontage lanes on the east side of Mission Boulevard, where topography limits areas available for development.
5. To ensure adequate separation would exist between student drop-off areas and Mission Boulevard if Bowman School site is expanded, a frontage lane is now shown along Mission Boulevard at that site, consistent with the text of the Concept Design Plan.

Attachment A is a map that incorporates these revisions. Approximately 2,000 to 3,300 new additional dwelling units would be anticipated, along with new commercial development of between 267,000 to 468,000 square feet. The net amount of anticipated commercial development would likely be less than existing, though more active, given the higher densities proposed in the area.

The Concept Design Plan also contains design guidelines that will help shape the character of the Plan area (Chapter 4). Under street frontage character, where the most significant guidelines are located, direction is provided for future developments along Mission Boulevard, Dixon Street and along the BART transit plaza. Along Mission Boulevard, two basic concepts are described: developments that front directly onto Mission Boulevard, where a minimum 10-foot setback (plus 6 feet for residential development) is recommended, and those that would front onto an access lane, where a similar setback is recommended from diagonal parking areas that would front such

developments. Such setbacks are recommended to provide for an enhanced pedestrian environment through greater sidewalk width and landscaping opportunities. The guidelines also recommend a minimum 25-foot wide sidewalk on either side of the BART station transit plaza, which would allow opportunities for activities to “spill” onto the plaza, thereby enhancing the character of the area. Finally, the guidelines also recommend that taller buildings step down to visually transition to adjacent existing developments.

Chapter 5 of the Plan summarizes circulation and transit opportunities, emphasizing those for enhanced north-south and east-west pedestrian/bike circulation.

General Plan Land Use Designations and Text Changes

As reflected in Attachment B, staff is recommending changes to the General Plan Land Use Map, reflective of the Concept Design Plan. Specifically, staff is proposing two new land use categories: *Station Area Residential* (75.0 to 100.0 units per net acre) immediately adjacent to the BART station eastward to Mission Boulevard, and *Mission Boulevard Residential* (34.8 to 55.0 units per net acre) in two locations along Mission Boulevard. Also, a *Public/Quasi-Public* designation is recommended for the reconfigured bus transfer area, expanded Bowman School site along Mission Boulevard and community center site at Valle Vista Avenue and Mission Boulevard. *High Density Residential*, allowing up to 34.8 units per net acre is recommended along Mission Boulevard and Dixon Street, while *Retail-Office Commercial* is recommended at the grocery store site and at the commercial area envisioned on the east side of Mission Boulevard at Tennyson Road. *Commercial-High Density Residential*, which exists at locations along Mission Boulevard in this area, is shown at the recommended Concept Plan “Mixed Use” site at the northwest corner of Mission Boulevard and Industrial Parkway. All of the resulting residential designations in the area around the station and along Mission Boulevard between Tennyson Road and Industrial Parkway would have minimum densities equal to the highest density that currently exists throughout the City, furthering the transit village concept.

The recommended changes to Appendices C and D of the General Plan incorporate the two new land use designations (see Attachment C), and allows the *Retail-Office Commercial* General Plan Land Use designation to be potentially consistent with the *General Commercial* (CG) Zoning designation, in recognition of the variety of uses allowed in the CG zone.

Zoning District Changes

Attachment E shows recommended changes to the Zoning Map, which are consistent with General Plan Map changes and include two new zoning districts: *Station Area Residential* (SAR) and *Mission Boulevard Residential* (MBR). As indicated later in this report, portions of SAR district developments would be required to include commercial (non-residential) uses on the ground floor. Many of the recommendations involve changing the zoning designation from a commercial to a residential zoning district along Mission Boulevard (*Mission Boulevard Residential* and *High Density Residential*). Also, for the major commercial areas at the ends of the Plan area (Kmart and the Holiday Bowl sites) and for the major commercial area envisioned to be developed at Tennyson Road along the east side of Mission Boulevard, a *General Commercial* (CG) zoning district designation is shown, to allow a variety of commercial opportunities that would cater to more than the local neighborhoods. Other commercial areas, including the northwest corner of Valle Vista and Mission Boulevard and the sites across Mission

Boulevard from the Holiday Bowl site, are indicated as *Neighborhood Commercial* (CN), envisioned to serve the local community. Sites that are shown in the Concept Design Plan as "Mixed Use" are indicated with a *Neighborhood Commercial – Residential* (CN-R) designation, which as described later, will require ground-floor commercial uses.

The resulting zoning designations in the Plan area along Mission Boulevard will provide opportunities for high density housing, as well as a variety of commercial uses at key locations.

Zoning Text Amendments

Station Area Residential Zoning District (SAR)

Exhibit F shows the recommended text for this new zoning district. Residential units, envisioned to be condominiums with the potential for some apartments, are required at a density range of 75.0 to 100.0 units per net acre above the ground floor and allowed within certain portions of the ground floor. Specifically, no more than half of the gross floor area of the ground floor (excludes parking areas) and no more than half of the ground floor building frontage along Mission Boulevard, Dixon Street and the bus transfer area can be comprised of residential units. Non-residential uses indicated as allowed on the ground floor are those that would be geared toward local residents, including retail uses.

Setback standards reflect those indicated in Chapter 4 of the Concept Design Plan. Also, a maximum 80 foot height limit is recommended, which could accommodate up to a seven-story building and provide greater opportunity for densities to support future retail uses. However, in response to concerns expressed at the June 8 joint City Council/Planning Commission work session, staff is recommending that certain findings be required to be made by the approving authority for buildings whose heights would exceed 60 feet (approximately five stories). Generally, such findings require that the additional height would make a positive contribution to the overall character of the area.

Residential parking ratios would allow a maximum of 1.0 space for each studio or one-bedroom unit and 1.3 spaces for each unit with two or more bedrooms. These parking ratios, where typically 1.5 to 2.1 spaces per unit would be required, further the concept of non-reliance on the automobile.

Also in response to concerns expressed at the June 8 work session related to the visual impacts of balconies and the desire to provide flexibility in future design of developments, staff is recommending that only 40% of units be required to provide private open space at 100 square feet minimum per unit. Common or group open space would also be required equal to at least 20% of the lot area plus the area that is not provided as private open space for units. Also, to help facilitate a "sense of place," a requirement is recommended for developments to provide amenities in common open spaces for use by residents. Such amenities could include tot lots with play equipment, picnic shelters with barbeque areas, fitness centers, etc.

Mission Boulevard Residential Zoning District (MBR)

Attachment H shows the recommended text for this new zoning district. Unlike the SAR District, the MBR District is strictly a residential zoning district, with a required density range of 34.8 to

55.0 units per net acre. Setback standards are consistent with those indicated in Chapter 4 of the Concept Design Plan, which reflect provision of a local access lane along Mission Boulevard that would result in a minimum setback of 44 feet from the Mission Boulevard right-of-way. A maximum 55 foot height limit is recommended, which could accommodate up to a five-story building.

Residential parking ratios would allow a maximum of 1.3 spaces for each studio or one-bedroom unit and 1.5 spaces for each unit with two or more bedrooms.

Similar to the *SAR* District provisions, open space requirements for the *MBR* District require that 100 square feet minimum of private open space per unit be provided for at least 40% of the units in developments, and that group or common open space be provided totaling at least 15% of the lot area plus the area that is not provided as private open space for units. The decrease in percentage of required common open space compared to the *SAR* District is reflective of the reduced unit density. Also, consistent with recommendations for the *SAR* district, staff is recommending that the common open spaces in the *MBR* district include amenities.

Revisions to Neighborhood Commercial – Residential Zoning District (CN-R)

The CN-R District provisions were utilized for the zoning designation for those areas indicated as “Mixed Use” in the Concept Design Plan. Such provisions encourage “a mixture of neighborhood serving businesses and residences along portions of certain arterials in order to provide housing with ready access to shops and transit.” Revisions to those provisions reflect the policies in the Concept Design Plan, including requiring ground-floor non-residential uses and a density range of 34.8 to 55.0 units per net acre. Such revisions, related primarily to “Mixed Use” development standards and criteria, are shown in Attachment I.

The minimum lot area is shown at 20,000 square feet for the “Mixed Use” properties in the Concept Design Plan area (compared to 10,000 square feet for other CN-R properties), to facilitate larger projects at key intersections and locations along Mission Boulevard. Also, given the density range is higher than is typical for other CN-R properties, a maximum height limit of 60 feet is recommended, allowing for 12 feet of ground-floor non-residential space and 10 feet per floor for residential uses (five stories maximum), along with allowances for roofs. Along with the 55 foot height limit recommended for the *MBR* District, the 60-foot height limit will help create a more unified look along Mission Boulevard in this area. Setback standards are consistent with those for other CN-R properties and those indicated in the Concept Design Plan (Chapter 4), which require a minimum 10 foot setback for ground-floor non-residential uses along Mission Boulevard.

Residential parking ratios would allow a maximum of 1.5 spaces for each studio or one-bedroom unit and 2.0 spaces for each unit with two or more bedrooms. A reduction in required parking spaces for non-residential uses is recommended (one space per 315 square feet versus one space for every 200 square feet), consistent with that provided in the Central Parking District.

Consistent with the *MBR* and *SAR* Districts, open space requirements for *CN-R* District properties in the Concept Plan Area require that 100 square feet minimum of private open space per unit be provided for at least 40% of the units, and a minimum 15% of the lot area plus the area that is not

provided as private open space for units be required as common open space, with amenities required in such spaces.

Revisions to General Commercial (CG) and Open Space/Parks and Recreation (OS) Zoning Districts

Minor changes are recommended for the CG and OS Districts provisions, as shown in Attachments J and K. In the CG District, the Kmart site is indicated as allowing for new automobile dealerships as a primary use, consistent with the rest of Hayward Auto Row north of Harder Road. Also, "Commercial Amusement Facility" has been added as an administrative use, reflective of the "Recreational/Entertainment Facility" label indicated in the Concept Design Plan for properties at the southeast corner of Tennyson Road and Mission Boulevard.

In the OS District, additional uses are listed as examples for "Special Use Facilities" as conditional uses, to provide greater flexibility to City decision-makers for future uses at the community center site at the southwest corner of Valle Vista Avenue and Mission Boulevard. The revisions would allow opportunity for development of entertainment/recreational facilities envisioned at the southeast corner of Tennyson Road and Mission Boulevard to be developed at the community center site.

Revisions to Off-Street Parking Regulations

Revisions are recommended to the City's parking regulations that incorporate the previously identified recommendations for parking ratios in the various applicable districts (SAR, MBR and CN-R) in the Concept Design Plan area. In summary, the recommendations would allow/require the following:

1. Retail uses in all commercial zones in the Concept Design Plan area, excluding the *CN-R* Zoning District, could be approved for up to a 15% reduction in spaces, provided a public bus stop and shelter are immediately adjacent to the site and maintained by the retail establishment, per Section 10-2.404(b).
2. Residential uses in the *RH* zone in the Concept Plan area could be approved for up to a 15% reduction in spaces, provided they would be located within 1,000 feet of the BART station.
3. Proposed changes to tandem parking Standards would allow unlimited tandem parking in the *SAR*, *MBR* and *CN-R* Zoning Districts in the Concept Design Plan Area, and would allow up to 35% (or more with certain findings) tandem parking in the *RH* District in the Concept Design Plan area.
4. As indicated in Section 10-2.419, non-residential uses, including retail uses, in the *SAR* and *CN-R* zones in the Concept Design Plan area would be required to provide parking at one space per 315 square feet of gross floor area, similar to the Central Parking District. Neighborhood-serving retail uses are typically required to provide one parking space for every 200 square feet of gross floor area.

Framework for Recommendations

A primary function of public policy with respect to land use is to determine appropriate, desired locations, densities and types of land use development. Inherent in such a determination is the

need to balance competing interests. While development may be technically feasible to pursue, it may not always be desirable from a public policy perspective. The City's General Plan provides direction for such public policy. The proposed Concept Design Plan and related amendments to the General Plan and Zoning Ordinance are consistent with the goals and strategies of the General Plan, as stated in the attached findings (Attachment D).

Also, provisions in the proposed Special Design District, along with other adopted City policies and guidelines, will help mitigate potential visual impacts associated with specific development projects, including higher density projects around the BART Station.

With regard to park and recreation facilities, the proposed Plan provides opportunity for development of a new community center and related park in close proximity to the BART station and Mission Boulevard, as well as an expanded school site that could be used as a joint school/park use. Also, a new 30-acre park that will be constructed at the La Vista Quarry site just to the east of the Plan area, which will provide additional recreational opportunities for future residents in the area. Also, new neighborhood parks or enhancement of nearby existing facilities could occur through the payment of park dedication in-lieu fees.

As noted in the EIR, with mitigation measures, adequate public services and facilities would be provided for future developments.

It should be noted that the Concept Design Plan and associated recommendations for General Plan and Zoning Ordinance amendments will only provide a framework to achieve desired development. Ultimately, the success of implementation of the Plan over a number of years will depend on many variables. Market conditions will influence the desire of local property owners, including BART, to sell/lease businesses and property to new developers. Discretionary review of projects by the City's decision-makers, where specific uses and building design are reviewed, will also dictate implementation and the character of the area. Finally, the ability of the City's Redevelopment Agency to assist in facilitating such developments is another variable.

As new developments are proposed and constructed, development policies for the Plan area may need to be reevaluated or new standards developed, in response to concerns that may arise.

Environmental Review

The Draft Environmental Impact Report (DEIR) for the South Hayward BART/Mission Boulevard Concept Design Plan was reviewed with the Planning Commission at a public hearing on May 11, 2006. The 45-day public review period on the DEIR ran from April 17 to June 1, 2006. In addition to comments made by the City Council members at a May 9 work session and comments from Planning Commissioners and the public during the May 11 hearing, the City received comments on the DEIR from nine entities: two State agencies (California Regional Water Quality Control Board, California Department of Transportation and California Public Utilities Commission-Rail Crossings Engineering Section), one regional agency (AC Transit), one County agency (Alameda County Congestion Management Agency) and four individuals/private organizations.

The Final Environmental Impact Report (FEIR), included as Attachment P, contains responses to all comments received on the DEIR, as well as minor modification and clarifications to the

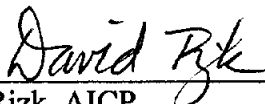
DEIR. The EIR indicates that all potentially significant impacts can be eliminated or mitigated to less-than-significant levels, with the exception of impacts associated with temporary air quality impacts related to inconsistency of population growth with the regional Clean Air Plan, cumulative air quality impacts related to generation of significant quantities of ozone precursors, which are a constituent of regional air pollution, and cumulative traffic impacts related to regional traffic growth and roadway congestion. However, for those significant and unavoidable impacts, a statement of overriding considerations is proposed (Attachment S) that indicates the benefits of the project would outweigh its negative impacts. A statement of overriding considerations is required to be adopted if the project is approved.

The proposed Mitigation Monitoring and Reporting Program, which identifies implementation and monitoring responsibilities, as well as timing of implementation of mitigation measures, is included as Attachment Q. Attachment R includes findings related to the impacts identified in the EIR.

Public Notices

Notice of this public hearing was published in the Daily Review on June 5, 2006. Notices were also mailed to all property owners in the Plan area and within 300 feet of the Plan area, as well as to interested parties, on June 5, 2006. Additionally, an informational newsletter was mailed in May to over 4,600 addresses, involving all owners and residents in the general area, including those in and within 300 feet of the boundary of the Plan area, summarizing key issues associated with the Plan and providing notice of this hearing and the City Council hearing scheduled for June 27.

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Approved by:



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List of Attachments:

- Attachment A. Staff Recommended Land Use Plan
- Attachment B. Proposed Amendments to General Plan Land Use Map
- Attachment C. Proposed Amendments to General Plan Appendices C and D
- Attachment D. Findings in Support of Proposed General Plan Amendments
- Attachment E. Proposed Amendments to Zoning Map (Zone Changes to Certain Properties)
- Attachment F. Findings in Support of Zone Changes
- Attachment G. Proposed Station Area Residential (SAR) Zoning District Provisions (Text Amendment)
- Attachment H. Proposed Mission Boulevard Residential (MBR) Zoning District Provisions (Text Amendment)
- Attachment I. Proposed Amendments to the Neighborhood Commercial-Residential (CN-R) District Provisions (Text Amendment)
- Attachment J. Proposed Amendments to the General Commercial (CG) District Provisions (Text Amendment)
- Attachment K. Proposed Amendments to the Open Space – Parks and Recreation District Provisions (Text Amendment)
- Attachment L. Proposed Amendments to the City's Off-Street Parking Regulations (Text Amendment)
- Attachment M. Proposed South Hayward BART/Mission Boulevard Special Design District (SD-6) Provisions (Text Amendment)
- Attachment N. Findings in Support of Text Amendments

- Attachment O. Draft Environmental Impact Report (distributed previously to Commissioners)
- Attachment P. Final Environmental Impact Report
- Attachment Q. Mitigation Monitoring and Reporting Program (June, 2006)
- Attachment R. Findings Related to Environmental Impacts
- Attachment S. Statement of Overriding Considerations

- Attachment T. South Hayward BART/Mission Boulevard Concept Plan (January 12, 2006) (distributed previously to Commissioners)

**DUE TO THE COLOR OF
ATTACHMENTS “A” AND “B”,
THEY HAVE BEEN ATTACHED AS
SEPARATE LINKS**

ATTACHMENT C

Appendix C

General Plan Land Use Map

Appendix C

THE GENERAL PLAN LAND USE MAP

The Land Use Map is based on the policies, assumptions and forecasts contained in this plan. It contains general land use and circulation proposals and is not intended to show precisely the limits of land use proposed nor each individual use as other types of uses may be compatible with the designated use. For example, a convenience market, a school, several duplexes and single-family residences, along with appropriate zoning for each of those uses, could all be in conformance with the plan designation of low density residential (see Appendix D).

Because land use designations may not reflect specific local conditions, they should not be interpreted to propose nor preclude developments without consideration of the policies, principles, standards, or intent of the general plan. Site considerations relating to topography, geology, soils or hydrology may be more important in establishing the specific use and intensity of a particular parcel than designation on the plan map. Similarly, the presence of adequate streets as well as schools, parks and other community facilities should be assured before a development is approved that would otherwise be in conformance with the plan map.

Determination of the conformance of a proposed use or zone with the general plan should include consideration of the following questions:

1. Is the use being considered specifically designated on the land use plan map in the area where its location is proposed?
2. If the use is not specifically designated on the land use plan map in the area where its location is proposed, is it needed to service such a planned use or, if a residential proposal, could it be established without adversely altering the proposed character of the area or setting a precedent for increasing the general density of that area above that proposed on the land use plan map?
3. Are conditions in the area safe from potential flooding and geologic hazards not common to the entire Hayward Planning Area?
4. Will community facilities and streets be available at City standards to serve the use proposed for the property?
5. Is the proposal consistent with the policies, principles and standards contained in the General Plan?
6. Do social and economic conditions indicate that the proposed zoning or development is needed at this time?

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7. Does an evaluation of required environmental impact reports and any potential public benefit analyses indicate that the use or zone justifies any adverse impact the proposal may have on the area involved?

Public Works Projects

The Land Use Map contains only general circulation proposals, primarily limited to the existing and proposed major street network. Improvements to the roadway facilities are not indicated on the map, but are described in the chapter on Circulation and are listed in the Capital Improvements Program. Where required, the Capital Improvements Program, which also includes other types of public works projects, and any other proposed public works projects are reviewed for consistency with the General Plan.

Area and Neighborhood Plans

As noted in the Preface, the specific area plans serve to refine and implement the General Plan for particular geographical areas. Consistency of plan recommendations with the General Plan is reviewed at the time of adoption of the area or neighborhood plan. Due to the detailed nature of these plans, land use maps may have different or more specialized land use categories than the General Plan Map. For example, neighborhood plans may indicate elementary schools, neighborhood parks, convenience commercial centers, and collector streets.

Detailed Map Legend

Residential

Residential densities are expressed in terms of net land area, which excludes land required for public and private streets. Densities of residential projects may be lower than the stated range (see Appendix D).

Rural Estate Density. Typical density is between 0.2-1.0 dwelling unit per net acre. Typical lot sizes are one acre or more. Typical development is single-family detached housing, although second units may be permitted. Planned Developments may include a variety of housing types within the overall density range.

Suburban Density. Typical density is between 1.0-4.3 dwelling units per net acre. Typical lot sizes are 10,000 square feet or more. Typical development is single-family detached housing, although second units may be permitted. Planned Developments may include a variety of housing types within the overall density range.

Low Density. Typical density is between 4.3-8.7 dwelling units per net acre. Typical lot sizes range from 5,000 to 10,000 square feet. Typical development is single-family detached housing, although second units may be permitted. Some mobile home parks are developed at this density. Planned Developments may include a variety of housing types within the overall density range.

Medium Density. Typical density is between 8.7-17.4 dwelling units per net acre. Minimum lot area per dwelling unit is 2,500 square feet. Typical development may be mobile home parks; single-family detached, mixed with duplexes, triplexes, and fourplexes; or townhouses and 2-3 story garden apartments. Planned Developments may include a variety of housing types within the overall density range. Selected areas have been designated as **Limited Medium Density** with a density range of 8.7- 12.0 dwelling units per net acre.

High Density. Typical density is between 17.4-34.8 dwelling units per net acre, ~~although individual projects may be approved at higher densities if over three stories (up to 58 dwelling units per net acre).~~ Typical development includes apartments or condominiums within multi-story buildings near major activity centers or along major arterials. Planned Developments may include a variety of housing types within the overall density range.

Downtown-City Center Area. Residential densities range from 40-110 dwelling units per net acre, although the highest densities are reserved for specific areas (see Downtown Hayward Design Plan) ~~approved projects near the BART Station and City Center.~~ Typical development throughout the remaining area will be 3-5 story apartments or condominiums.

Mission Boulevard Residential. Residential densities range from 34.8-55.0 dwelling units per net acre. Typical developments include condominiums or apartments within multi-story buildings along Mission Boulevard in the vicinity of the South Hayward BART Station. To facilitate transit-oriented development along a major transit corridor, developments are required to meet minimum densities.

Station Area Residential. Residential densities range from 75.0-100.0 dwelling units per net acre. Typical developments include condominiums or apartments over ground-floor neighborhood serving retail uses within multi-story buildings in proximity to the South Hayward BART Station. To facilitate transit-oriented development near the South Hayward BART Station, developments are required to meet minimum densities.

Commercial

Retail and Office Commercial. These areas include the regional shopping center (Southland), community shopping centers, concentrations of offices and professional services, and portions of the downtown area and South Hayward BART Station area where mixed retail and office uses are encouraged. Not shown are neighborhood convenience centers that support and are compatible with residential areas.

General Commercial. These areas include concentrations of special uses which are automobile-oriented in terms of product or access, such as automobile sales and service, building supplies, home furnishings etc. Clustering of these uses along major arterials is appropriate where direct access and adequate parking are provided.

Commercial/High-Density Residential. These areas may include Retail and Office or General Commercial uses. Certain areas along major arterials ~~that are commercially zoned but presently vacant or underutilized~~ or at key intersections may be appropriate for

high-density residential use or mixed commercial/residential use. Development proposals within these areas should be evaluated within the context of applicable policies and standards and compatibility with adjoining areas.

Industrial

Industrial Corridor. This area consists primarily of planned business and industrial parks along with supporting office and commercial uses. Comprehensive design standards and use restrictions permit their location adjacent to residential areas. Other industrial development may be appropriate if compatible with adjacent industrial parks or residential areas.

Mixed Industrial. These areas "contain older industrial uses within the central part of the city which are typically located along railroad tracks and often surrounded by residential areas. Some areas contain substantial buildings but are presently vacant or underutilized. Future uses must be compatible with adjacent residential and commercial areas. These areas should be considered for conversion to commercial uses, residential uses, or a planned development with mixed uses, as appropriate.

Open Space

Parks and Recreation. These areas include regional parks, community and neighborhood parks, and special use facilities such as golf courses, historic estates, linear parks and trails. Not shown are school athletic fields and playgrounds.

Baylands. These areas are to remain in open space uses such as salt and fresh water marshes, salt ponds, aquaculture, or agriculture; limited educational and recreational uses that provide public contact with the wetlands are also desirable. Existing marshes are to be preserved and opportunities to expand marsh areas pursued.

Limited Open Space. These areas include cemeteries, agricultural and grazing lands, land that is undevelopable due to slope or other hazards, and lands proposed for park or other permanent open space. Minimum lot sizes shall range from 5 acres to 160 acres or more.

Public and Quasi-Public

These areas contain major governmental, educational and cultural facilities such as the Hayward Air Terminal, California State University-Hayward, Chabot Community College, City Center, Hayward Public Library, Alameda County Governmental Complex, high schools, intermediate schools, and elementary schools.

Downtown-City Center Area

This area is the major activity center in the planning area. It contains major public facilities such as City Center and the Main Library, retail and office areas, and high-density residential areas. Mixed-use development is encouraged to promote the pedestrian orientation and to maintain the downtown area as an integrated living,

working, shopping and recreational area. The boundary of this area is delineated ~~on~~ in the Downtown Hayward Design Plan - Policies Plan Map includes the Downtown Redevelopment Project Area and/or areas within the Central City Zoning District.

Streets and Highways

Freeways. These routes are intended to carry regional and through traffic at high speeds. Access is limited by divided roadways, grade separations, and interchanges with expressways or major arterials.

Major Arterials. These routes are intended to carry inter-city traffic as well as intra-city traffic between important local generators. Facilities are generally four lanes or more with at grade intersections. Provision may be made for controlled turning movements. Expressways are included as major arterials but may feature selected characteristics of freeways.

Minor Arterials. These routes are intended to carry intra-city traffic as well as local traffic between major arterials and collector streets and/or serve local generators. The type of facility varies with the specific function, traffic volume and nature of adjacent development.

Not shown on the ~~policies plan~~ Land Use Map are collector streets and local streets. The function of collectors is to carry local traffic to and from arterials as well as provide access to abutting properties. Local streets are intended primarily to provide direct access to abutting properties.

Rail Transportation

Rapid Transit. The Bay Area Rapid Transit (BART) system includes the Fremont-Daly City/Colma and Fremont-Richmond lines, which serve the planning area with two stations (Hayward and South Hayward). Also shown is the Dublin/Pleasanton-Daly City/Colma line, which parallels Route I-580 and serves the planning area with a station in Castro Valley.

Railroads. Three main lines traverse the planning area in a north-south direction with one paralleling the BART tracks. The middle line is the route of the Amtrak Capital Corridor, which provides service between Sacramento and San Jose.

Urban Limit Line

The Urban Limit Line represents the boundary between urban development (e.g., Residential, Commercial, and Industrial designations) and open space (e.g., Baylands, Limited Open Space, and Regional Parks designations).

GENERAL PLAN AND ZONING CONSISTENCY MATRIX

ZONING DISTRICT

			GENERAL PLAN LAND USE MAP DESIGNATION													
			Rural Estate Density (0.2-1.0 du/net acre)	Suburban Density (1.0-4.3 du/net acre)	Low Density (4.3-8.7 du/net acre)	Mobile Home Park (8.7-12.0 du/net acre)	Limited Medium Density (8.7-12.0 du/net acre)	Medium Density (8.7-17.4 du/net acre)	High Density (17.4-34.8 du/net acre)	Mission Boulevard Residential (34.8-55.0 du/net acre)	Station Area Residential (75.0-100.0 du/net acre)	Retail and Office Commercial	General Commercial	Commercial/High Density Residential	High Density Residential	Retail and Office Commercial
			Industrial Corridor	Mixed Industrial	Parks And Recreation	Baylands	Limited Open Space	Public and Quasi-Public								
RSB40	Single-Family	(40,000)	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
RSB20		(20,000)	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
RSB10		(10,000)	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
RSB8		(8,000)	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
RSB6		(6,000)	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
RS		(5,000)	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
RSB4		(4,000)	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
RMB4	Medium Density	(4,000)	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
RMB3.5		(3,500)	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
RM		(2,500)	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
RH	High Density	(1,250)	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
RHB7		(750) (1,250)	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
MBR	Mission Boulevard Residential	34.8-55.0 units per net acre	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
SAR	Station Area Residential	75.0-100.0 units per net acre	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
MHP	Mobile Home Park		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
RO	Residential Office		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
CN	Neighborhood Commercial		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
CN-R	Neighborhood Commercial/Residential		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
CO	Commercial Office		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
CB	Central Business		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
CG	General Commercial		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
CL	Limited Access Commercial		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
CR	Commercial Retail		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
CC-C	Central City Commercial		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
CC-P	Central City Plaza		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
CC-R	Central City Residential		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
I	Industrial		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
LM	Light Manufacturing		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
BP	Business Park		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
AT-IP	Industrial Park		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
AT-C	Commercial		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
AT-RM	Medium Density Residential		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
AT-AC	Aviation Commercial		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
AT-O	Operations		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
AT-R	Recreational		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
A	Agricultural	1 Acre	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
AB5A		5 Acres	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
AB10A		10 Acres	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
AB100A		100 Acres	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
AB160A		160 Acres	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
FP	Flood Plain		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
OS	Open Space		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
RNP	Residential Natural Preservation		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
SD	Special Design		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
PD	Planned Development		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent
PF	Public Facilities		Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent	Consistent



Consistent



Potentially Consistent



Not Consistent

FOOTNOTES: Decisions on the appropriateness of any "CONSISTENT" zoning district will need to consider the specific situation. Determinations on the consistency of districts listed as "POTENTIALLY CONSISTENT DISTRICTS" must consider compatibility with other uses and overall densities in the area, as well as the particular need to be served.

ATTACHMENT D

FINDINGS FOR APPROVAL

South Hayward BART/Mission Boulevard Concept Design Plan Project General Plan Amendments

1. The proposed project reflects the City's development goals and objectives as articulated in the General Plan in that it responds to and expands the City's commitment to smart growth principles and transit-oriented development. In particular, the project promotes the following policies and strategies:

Land Use Chapter

5. *Promote transit-oriented development in the Mission/Foothill Corridor in order to help relieve regional congestion and create a distinctively attractive commercial boulevard.*
 1. Create a more transit-oriented environment by encouraging a balance of land uses, including a mix of commercial and residential uses.
 4. Work to develop enhanced transit opportunities along Mission Boulevard that serve the two Hayward BART stations and California State University-Hayward.
6. Seek to integrate greater intensity of development and enhance the surrounding neighborhood within ½ mile of the South Hayward BART Station.
 1. Develop a conceptual design plan for the South Hayward BART Station area to determine appropriate land use and infrastructure needs
 2. Create opportunities to integrate mixed-use development in the South Hayward BART Station vicinity to achieve a balance of land uses.
 3. Provide park and recreational facilities to support existing and planned residential development.

Circulation Chapter

8. *Create Improved and Safer Circulation Facilities for Pedestrians.*
9. *Provide the opportunity for safe, convenient and pleasant bicycle travel throughout all areas of Hayward.*
10. *Encourage Land Use Patterns that Promote Transit Usage*
 1. Encourage transit-oriented development; where appropriate, encourage intensive new residential and commercial development within 1/2 mile of transit stations or 1/4 mile of major bus routes.
 2. Encourage mixed-use residential and commercial development to reduce the need for multi-destinational trips.
 3. Promote high density new residential development, including residential above commercial uses, near transit facilities, activity generators, and along major arterials.

4. Encourage alternatives to automobile transportation through development policies and provision of transit, bike and pedestrian amenities.
5. Continue to require large developments to provide bus turnouts and shelters, and convenient pedestrian access to transit stops.
6. Encourage design of development that facilitates the use of transit.

12. Improve Access to the Downtown and Other Major Activity Centers

13. Provide for Future Parking Demand in Ways that Optimize Mode Choice

Economic Development Chapter

2. *Create a sound local economy that attracts investment, increases the tax base, creates employment opportunities for residents and generates public revenues.*
3. *Facilitate the development of employment opportunities for residents.*
4. *Continue to enhance the City's image in order to improve the business climate.*

Housing Chapter

1. *Encourage the provision of an adequate supply of housing units in a variety of housing types which accommodate the diverse housing needs of those who live or wish to live in the city.*

Community Facilities and Amenities Chapter

4. *Seek to increase the number and availability of multipurpose facilities in order to provide a variety of community services, recreational activities, and cultural amenities that are accessible to and benefit a cross-section of the community.*
5. *Seek to increase the amount, diversity and quality of parks and recreational facilities and opportunities.*

Conservation and Environmental Protection Chapter

11. *Maintain improved air quality by creating efficient relationships between transportation and land use.*

**DUE TO THE COLOR OF
ATTACHMENT “E”, IT HAS BEEN
ATTACHED AS A SEPARATE LINK**

ATTACHMENT F

FINDINGS FOR APPROVAL

South Hayward BART/Mission Boulevard Concept Design Plan Project Zone Change

1. The application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Environmental Impact Report has been prepared for the proposed project.
2. Proposed zoning conforms to the General Plan, as amended, and reflects the City's development goals and objectives as articulated in the General Plan.
3. Substantial proof exists that the proposed zone change will promote the public health, safety, convenience and general welfare of the residents of Hayward in that opportunities would be created for development of much-needed housing in close proximity to the South Hayward BART Station and along the Mission Boulevard transit corridor, which will promote smart growth principles and non-reliance on the automobile, resulting in less traffic and air pollution.
4. The proposed zone change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans, including the General Plan, in that the project would provide opportunity to integrate greater intensity of development and enhance the surrounding neighborhood within one-half mile of the South Hayward BART Station and to promote transit-oriented development in the Mission Boulevard transit corridor in order to help relieve regional congestion and create a distinctively attractive boulevard.
5. Existing or proposed streets and public facilities would be adequate to serve all uses permitted when property is reclassified, provided any needed improvements to the Tennyson Road-Dixon Street and Mission Boulevard-Industrial Parkway intersections are implemented, as indicated in the related Environmental Impact Report.
6. All uses permitted when property is reclassified will be compatible with present and potential future uses in that project-specific environmental review and site plan review are required for new development projects, particularly those at higher densities around the South Hayward BART Station and along Mission Boulevard, to ensure compatibility with existing uses.
7. A beneficial effect will be achieved with the zone change that is not obtainable under existing regulations because higher-density, transit-oriented development around the South Hayward BART Station and along Mission Boulevard would be possible that would result in less traffic than would be generated with more traditional development, due to proximity of residents to public transit, and also because much-needed housing would be provided that would not otherwise be developed.

ATTACHMENT G

SEC. 10-1.XXX STATION AREA RESIDENTIAL DISTRICT (SAR)

Sections:

Section 10-1.XXX Purpose.

Section 10-1.XXX Subdistricts.

Section 10-1.XXX Uses Permitted.

Section 10-1.XXX Conditionally Permitted Uses.

Section 10-1.XXX Lot Requirements.

Section 10-1.XXX Yard Requirements.

Section 10-1.XXX Height Limit.

Section 10-1.XXX Site Plan Review Required.

Section 10-1.XXX Minimum Design and Performance Standards.

SEC. 10-1.XXX PURPOSE.

The SAR District requires the development of multiple-family dwellings at high densities, along with neighborhood serving businesses and public facilities in proximity to the South Hayward BART Station, in order to provide opportunities for transit-oriented development with ready access to shops and transit.

SEC. 10-1.XXX SUBDISTRICTS.

SD6 (See Section 10-1.2600).

SEC. 10-1.XXX USES PERMITTED.

Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the SAR District as primary uses only on the ground floor of buildings:

(1) Administrative and Professional Offices/Services.

- (a) Banks and financial institutions.
- (b) Chiropractic or acupuncture office.
- (c) Medical and dental offices.

(2) Automobile Related Uses.

Parking structure.

(Can also be above ground floor, integrated into the design of buildings in accordance with SD6 Special Design District provisions.)

(3) Personal Services.

- (a) Barber or beauty shop.

- (b) Dance studio.
- (c) Dry cleaner/laundry.
- (d) Martial arts studio.
- (e) Nail salon.
- (f) Physical fitness studio.
- (g) Shoe repair shop.
- (h) Tailor/seamstress shop.

- (4) Residential Uses.
Multi-family dwelling units.

(Allowed on portions of ground-floor and required above ground-floor at 75.0 to 100.0 units per net acre.)

- (5) Retail Commercial Uses.

- (a) Bakery.
- (b) Bookstore.
- (c) Camera store.
- (d) Card shop.
- (e) Coffee/espresso shop.
- (f) Delicatessen.
- (g) Floral shop.
- (h) Gift shop.
- (i) Jewelry store.
- (j) Music store.
- (k) Pet grooming shop.
- (l) Restaurant.
- (m) Stationary store.
- (n) Variety store.
- (o) Video sales and rental store.

(Without a bar.)

- (6) Service Commercial Uses.
(a) Mailing or facsimile service.

- (7) Other Uses.
(a) Day Care Center.

(Less than 24-hour care for children, 15 or more, excluding staff. See definitions.)

- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the SAR District:

- (1) Home Occupation. (See definitions)
- (2) Household pets.

SEC. 10-1.XXX CONDITIONALLY PERMITTED USES.

- a. **Administrative Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the SAR District, subject to the approval of an administrative use permit:

- (1) Administrative and Professional Offices/Services.
Medical/Dental laboratory.
- (2) Automobile Related Uses.
None.
- (3) Personal Services.
None.
- (4) Residential Uses.
None.
- (5) Retail Commercial Uses.
None.
- (6) Service Commercial Uses.
Restaurants. (With a bar.)
- (7) Other Uses.
 - (a) Cultural facility.
 - (b) Educational facility. (Small, generally less than 2,000 sq. ft.)
 - (c) Public agency facilities.
 - (d) Recreational facility.

- b. **Conditional Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the SAR District subject to approval of a conditional use permit:

- (1) Administrative and Professional Offices/Services.
None.
- (2) Automobile Related Uses.
None.
- (3) Personal Services.
None.
- (4) Residential Uses.
None.

- (5) Retail Commercial Uses.
None.
- (6) Service Commercial Uses.
None.
- (7) Other Uses.
None.

SEC. 10-1.XXX LOT/DENSITY REQUIREMENTS.

- a. Minimum Lot Size: 40,000 square feet.
- b. Required Density Range: 75.0 to 100.0 units per net acre.
- c. Minimum Lot Frontage: 200 feet.
- d. Minimum Average Lot Width: 200 feet.
- e. Maximum Lot Coverage: 90 percent.
- f. Minimum Lot Depth: 80 feet.
- g. Special Lot Requirements and Exceptions: See General Regulations Section 10-1.2720.

SEC. 10-1.XXX SETBACK REQUIREMENTS.

- a. Minimum Setbacks along Public Streets/Areas: 20 feet along Dixon Street, 25 feet adjacent to bus transfer facility at the South Hayward BART Station, 10 feet (for ground-floor non-residential) or 16 feet (ground-floor residential) adjacent to Mission Boulevard, in accordance with the SD6 Special Design District provisions.
- b. Minimum Setbacks for Other Areas: 10 feet, or in accordance with the SD6 Special Design District provisions.
- c. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.

SEC. 10-1.XXX HEIGHT LIMIT.

- a. Maximum Building Height: 60 feet, except that 80 feet could be allowed if the approving body determines compliance with the Minimum Design and Performance Standards (Sec. 10-1.XXX)
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls:
 - (1) Front and Side Street Setback 4 feet.
 - (2) Side and Rear Setback 6 feet.
(Also see Section 10-1.845k. for additional standards).
- d. Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.

SEC. 10-1.XXX SITE PLAN REVIEW REQUIRED.

Site plan review by the Planning Commission and approval by the City Council is required before issuance of any building or construction permit.

SEC. 10-1.XXX MINIMUM DESIGN AND PERFORMANCE STANDARDS.

The City recognizes that high-quality design of commercial and residential structures can contribute to a positive appearance of commercial districts and neighborhoods and improve the overall character of the community. This section establishes design and performance standards that shall apply to the construction of buildings and uses in the SAR District.

Mixed-use development, which entails residential uses over ground-floor non-residential uses, shall be subject to the criteria and standards contained in the SD6 Special Design District (10-1.2600), the RH District (Section 10-1.500) for residential uses, the CN District (Section 10-1.800) for non-residential uses and the following requirements:

- (1) No more than 50% of the gross floor area of the ground floor and no more than 50% of the building frontage of ground-floor uses along Dixon Street, the South Hayward BART Station bus transfer area and Mission Boulevard shall be comprised of residential units.
- (2) For developments that would exceed 60 feet in height, the approving body must make the following findings:

- (a) The additional height makes a positive contribution to the overall character of the area and will be compatible with its surroundings in terms of site planning, scale, building design, color, exterior materials, roof styles, lighting, landscaping and signage.
- (b) The additional height will not result in unreasonable restrictions of light and air to adjacent properties or the public right-of-way, or otherwise be detrimental to the public health, safety and welfare.
- (c) The additional height will support other policies and standards of the South Hayward BART/Mission Boulevard Concept Design Plan and will result in a better overall project.

Parking Ratios.

- (3) Residential units are allowed a maximum of 1.0 off-street parking space per studio or one-bedroom unit and a maximum of 1.3 spaces for units with two or more bedrooms.

Non-residential uses are required to provide a minimum 1.0 space for each 315 square feet of non-residential gross floor area.

Open Space and Amenities.

- (4) (a) For at least 40% of the units in each development, a minimum of one hundred (100) square feet of usable private open space per unit, consisting of a private yard, patio, porch, deck balcony or a combination of the above, shall be provided.
- (b) All developments shall provide a minimum twenty percent (20%) of the lot area plus 100 square feet per unit for each unit that is not provided private open space as usable common open space for passive and active recreational uses. Usable open space areas shall not include public or private rights-of-way; vehicular parking area; areas adjacent to or between structures less than fifteen (15) feet apart; required building setback areas; private patios or yards; or areas having a slope greater than 3:1. Usable open space can include roof decks (including roof deck above structured or podium parking) on interior group open space accessible to all residents in the development.
- (c) All common opens space associated with developments shall have, at a minimum, a landscaped area of one-thousand (1,000) square feet complete with two (2) benches. Additional amenities may include, but are not limited to, a swimming pool, spa, tot lot with play equipment, picnic shelter with barbecue area, court game facilities and indoor exercise facilities. The types of amenities shall be dependent upon the nature of development and shall be approved by the reviewing authority.

New SAR District Definition:

STATION AREA RESIDENTIAL DISTRICT (SAR). A land use zoning district which includes the development of multiple-family dwellings at high densities, along with neighborhood serving businesses and public facilities in proximity to the South Hayward BART Station, in order to provide opportunities for transit-oriented development with ready access to shops and transit. See Section 10-1.XXX.

ATTACHMENT H

SEC. 10-1.XXX MISSION BOULEVARD RESIDENTIAL DISTRICT (MBR)

Sections:

Section 10-1.XXX Purpose.

Section 10-1.XXX Subdistricts.

Section 10-1.XXX Uses Permitted.

Section 10-1.XXX Conditionally Permitted Uses.

Section 10-1.XXX Lot Requirements.

Section 10-1.XXX Yard Requirements.

Section 10-1.XXX Height Limit.

Section 10-1.XXX Site Plan Review Required.

Section 10-1.XXX Minimum Design and Performance Standards.

SEC. 10-1.XXX PURPOSE.

The MBR District encourages the development of multiple-family dwellings at high densities along Mission Boulevard, in order to provide opportunities for higher density housing near a major transit corridor.

SEC. 10-1.XXX SUBDISTRICTS.

SD6 (See Section 10-1.2600).

SEC. 10-1.XXX USES PERMITTED.

Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the MBR District as primary uses:

- (1) Residential Uses.
Multiple-family dwelling units. (at 34.8 to 55.0 units per net acre.)
- (2) Other Uses.
None.

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the SAR District:

- (1) Home Occupation. (See definitions)
- (2) Household pets.

SEC. 10-1.XXX CONDITIONALLY PERMITTED USES.

- a. **Administrative Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the MBR District, subject to the approval of an administrative use permit:

- (1) **Administrative and Professional Offices/Services.**

None.

- (2) **Other Uses.**

(a) Cultural facility.

(b) Day Care Center.

(Less than 24-hour care for children, 15 or more, excluding staff. See definitions.)

(c) Educational facility.

(Small, generally less than 2,000 sq. ft.)

(d) Public agency facilities.

(e) Recreational facility.

- b. **Conditional Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the SAR District subject to approval of a conditional use permit:

None.

SEC. 10-1.XXX LOT/DENSITY REQUIREMENTS.

- | | |
|---|--|
| a. Minimum Lot Size: | 20,000 square feet. |
| b. Required Density Range: | 34.8 to 55.0 units per net acre. |
| c. Minimum Lot Frontage: | 100 feet. |
| d. Minimum Average Lot Width: | 100 feet. |
| e. Maximum Lot Coverage: | 90 percent. |
| f. Minimum Lot Depth: | 80 feet. |
| g. Special Lot Requirements and Exceptions: | See General Regulations Section 10-1.2720. |

SEC. 10-1.XXX SETBACK REQUIREMENTS.

- | | |
|---|--|
| a. Minimum Setbacks along Public Streets: | 44 feet adjacent to Mission Boulevard, which includes local access lane, in accordance with the SD6 Special Design District provisions; 20 feet adjacent to other existing public streets. |
|---|--|

- b. Minimum Setbacks for Other Areas: 10 feet, or in accordance with the SD6 Special Design District provisions.
- c. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.

SEC. 10-1.XXX HEIGHT LIMIT.

- a. Maximum Building Height: 55 feet.
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls:
 - (1) Front and Side Street Setback 4 feet.
 - (2) Side and Rear Setback 6 feet.
(Also see Section 10-1.845k. for additional standards).
- d. Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.

SEC. 10-1.XXX SITE PLAN REVIEW REQUIRED.

Site plan review by the Planning Commission and approval by the City Council is required before issuance of any building or construction permit.

SEC. 10-1.XXX MINIMUM DESIGN AND PERFORMANCE STANDARDS.

The City recognizes that high-quality design of residential structures can contribute to a positive appearance of neighborhoods and improve the overall character of the community. This section establishes design and performance standards that shall apply to the construction of multi-family dwellings and accessory buildings and uses allowed in the MBR District.

Refer to the criteria and standards contained in the SD6 Special Design District (10-1.2600) and the RH District (Section 10-1.500), and the following requirements:

Parking Ratios.

- (1) Residential units are allowed a maximum of 1.3 off-street parking space per studio or one-bedroom unit and a maximum of 1.5 spaces for units with two or more bedrooms

Open Space and Amenities.

- (2) (a) For at least 40% of the units in each development, a minimum of one hundred (100) square feet of usable private open space, consisting of a private yard, patio, porch, deck balcony or a combination of the above, shall be provided for each unit.
- (b) All developments shall provide a minimum fifteen percent (15%) of the lot area plus 100 square feet per unit for each unit that is not provided private open space as usable

common open space for passive and active recreational uses. Usable open space areas shall not include public or private rights-of-way; vehicular parking area; areas adjacent to or between structures less than fifteen (15) feet apart; required building setback areas; private patios or yards; or areas having a slope greater than 3:1. Usable open space can include roof decks (including roof deck above structured or podium parking) on interior group open space accessible to all residents in the development.

- (c) All common opens space associated with developments shall have, at a minimum, a landscaped area of six hundred (600) square feet complete with two (2) benches. Additional amenities may include, but are not limited to, a swimming pool, spa, tot lot with play equipment, picnic shelter with barbecue area, court game facilities and indoor exercise facilities. The types of amenities shall be dependent upon the nature of development and shall be approved by the reviewing authority.

New MBR District Definition:

MISSION BOULEVARD RESIDENTIAL DISTRICT (MBR). A land use zoning district which allows the development of multiple-family dwellings at high densities along Mission Boulevard, in order to provide opportunities for higher density housing near a major transit corridor. See Section 10-1.XXX.

ATTACHMENT I

**SEC. 10-1.900 NEIGHBORHOOD COMMERCIAL-RESIDENTIAL
DISTRICT (CN-R)**

Sections:

- Section 10-1.905 Purpose.
- Section 10-1.910 Subdistricts.
- Section 10-1.915 Uses Permitted.
- Section 10-1.920 Conditionally Permitted Uses.
- Section 10-1.925 Lot Requirements.
- Section 10-1.930 Yard Requirements.
- Section 10-1.935 Height Limit.
- Section 10-1.940 Site Plan Review Required.
- Section 10-1.945 Minimum Design and Performance Standards.

SEC. 10-1.905 PURPOSE.

The CN-R District ~~includes~~ allows a mixture of neighborhood serving businesses and residences along portions of certain arterials in order to provide ~~options for~~ housing with ready access to shops and transit. The CN-R District encourages joint development of ~~narrow~~ lots along arterials in order to minimize curb cuts and maximize architectural continuity. The CN-R District adjusts parking and open space requirements to reflect the characteristics of mixed-use development along arterials.

SEC. 10-1.910 SUBDISTRICTS.

SD1, ~~and~~ SD2 and SD6 (See Section 10-1.2600).

SEC. 10-1.915 USES PERMITTED.

Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CN-R District as primary uses:

- (1) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices. (Excluding check cashing store.)
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic or acupuncture office.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.

- (h) Travel and airline agency offices.
- (2) Automobile Related Uses.
~~Automobile parts store.~~ None.
- (3) Personal Services.
 - (a) Barber or beauty shop.
 - (b) Dance studio.
 - (c) Dry cleaner/laundry.
 - (d) Martial arts studio.
 - (e) Music studio.
 - (f) Nail salon.
 - (g) Palm reading service.
 - (h) Photography studio.
 - (i) Physical fitness studio.
 - (j) Shoe repair shop.
 - (k) Tailor/seamstress shop.
- (4) Residential Uses.
Residential dwelling unit(s).

(Above first floor non-residential commercial uses only; required at 34.8 to 55.0 units per net acre above ground-floor commercial uses in the SD6 Special Design District)
- (5) Retail Commercial Uses.
 - (a) Antique store.
 - (b) Appliance store.
 - (c) Art and art supplies store.
 - (d) Bakery.
 - (e) Bicycle shop.
 - (f) Bookstore.
 - (g) Camera store.
 - (h) Card shop.
 - (i) Carpet/drapery store.
 - (j) Clothing store.
 - (k) Coffee/espresso shop.
 - (l) Delicatessen.
 - (m) Fabric store.
 - (n) Floral shop.
 - (o) Furniture store.
 - (p) Garden supplies store.
 - (q) Gift shop.
 - (r) Hardware store.
 - (s) Jewelry store.
 - (t) Locksmith shop.
 - (u) Music store.

- (v) Nursery (plant).
 - (w) Paint/wallpaper store.
 - (x) Pet grooming shop.
 - (y) Pet store.
 - (z) Plumbing and heating store.
 - (aa) Restaurant. (Where not abutting a residential district or property and no bar)
 - (bb) Sporting goods store.
 - (cc) Stationary store.
 - (dd) Supermarket.
 - (ee) Theater (Small Motion Picture or Live Performance only.)
 - (ff) Thrift store.
 - (gg) Toy store.
 - (hh) Variety store.
 - (ii) Video sales and rental store.
- (6) Service Commercial Uses.
- (a) Copying or reproduction facility.
 - (b) Mailing or facsimile service.
 - (c) Reverse vending machine(s). (When located within a convenience zone)
- (7) Other Uses.
- (a) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served)
 - ~~(b)~~ Catering facility.
 - ~~(e)~~~~(b)~~ Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735d. for standards)
 - ~~(d)~~~~(c)~~ Day Care Center. (Less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.)
 - ~~(e)~~~~(d)~~ Educational facility. (Small, generally less than 2,000 sq. ft. design to augment the education)
 - ~~(f)~~~~(e)~~ Public agency facilities.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CN-R District:
- (1) Accessory buildings and uses. (See Section 10.1.845a.-d.)
 - (2) Garage sales. (4 per year per dwelling. See Section 10-1.2735e.)
 - (3) Home Occupation. (See definitions)
 - (4) Household pets.

SEC. 10-1.920 CONDITIONALLY PERMITTED USES.

- a. **Administrative Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the CN-R District, subject to the approval of an administrative use permit:

- (1) Administrative and Professional Offices/Services.
Medical/Dental laboratory.
- (2) Automobile Related Uses.
Parking lot.
- (3) Personal Services.
Massage parlor. (When located within an established beauty or tanning salon)
- (4) Residential Uses.
Multiple-family dwellings with ground level units.
(Not allowed in the SD6 Special Design District.)
- (5) Retail Commercial Uses.
None.
- (6) Service Commercial Uses.
Restaurants. (When abutting residential district or use or containing a bar.)
- (7) Other Uses.
~~(a) Ambulance service.~~
~~(b)(a)~~ Animal grooming service.
~~(c)(b)~~ Animal hospital.
~~(d)(c)~~ Convalescent hospital.
~~(e)(d)~~ Cultural facility.
~~(f)(e)~~ Educational facility.
~~(g)(f)~~ Home occupation - expanded.
~~(h)(g)~~ Recreational facility.
~~(i)(h)~~ Religious facility.
~~(j)(i)~~ Temporary use.

- b. **Conditional Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the CN-R District subject to approval of a conditional use permit:

- (1) Administrative and Professional Offices/Services.
 - (a) Check cashing store.
 - (b) Payday loan facilities.

- (2) Automobile Related Uses.
None.
- (3) Personal Services.
 - (a) Massage parlor. (When not located within an established beauty or tanning salon)
 - (b) Tattoo parlor.
- (4) Residential Uses.
None.
- (5) Retail Commercial Uses. (See General Regulations Sections 10-1.2735b. for regulations of alcohol.)
 - (a) Bar, Cocktail lounge.
 - (b) Dance or night club.
 - (c) Liquor store.
 - (d) Theater, Large Motion Picture (See Section 10-1.1045 for special requirements; not allowed in the SD6 Special Design District.)
- (6) Service Commercial Uses.
None.
- (7) Other Uses.
None.

SEC. 10-1.925 LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
(20,000 square feet in the SD6 Special Design District.)
- b. Minimum Lot Area per Dwelling Unit:
 - (1) Lots with less than 80 feet of frontage and/or less than 20,000 square feet in area shall require a minimum of 2,500 square feet of lot area per dwelling unit.
 - (2) Lots with more than 80 feet of frontage and more than 20,000 square feet in area shall be allowed a minimum of 1,743 square feet of lot area per dwelling.
- c. Minimum Lot Frontage: 100 feet.
- d. Minimum Average Lot Width: 100 feet.
- e. Maximum Lot Coverage: 90 percent.
- f. Minimum Lot Depth: 80 feet.
- g. Special Lot Requirements and Exceptions: See General Regulations Section 10-1.2720.

SEC. 10-1.930 YARD REQUIREMENTS.

- a. Minimum Front Yard: 10 feet.
- b. Minimum Side Yard: None, except where entrances or windows face the side lot line, 10 feet shall be required.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: 20 feet.
- e. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.

SEC. 10-1.935 HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet.
(60 feet in the SD6 Special Design District.)
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls:
 - (1) Front and Side Street Yard 4 feet.
 - (2) Side and Rear Yard 6 feet.
(Also see Section 10-1.845k. for additional standards).
- d. Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.

SEC. 10-1.940 SITE PLAN REVIEW REQUIRED.

Site plan review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines.

SEC. 10-1.945 MINIMUM DESIGN AND PERFORMANCE STANDARDS.

The City recognizes that high-quality design of commercial and residential structures can contribute to a positive appearance of commercial districts and neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to the construction of residential and commercial buildings and certain commercial uses in the CN-R District, including but not limited to cultural, educational, religious

or recreational facilities.

Multiple-family dwelling.

For multiple-family dwellings, refer to the criteria and standards contained in the RM or RH Districts, Sections 10-1.400 and 10-1.500 respectively, whichever is most consistent with the General Plan and associated Neighborhood Plan.

Non-Residential Uses.

For commercial buildings and uses, including but not limited to cultural, educational, religious or recreational facilities, refer to the criteria and standards contained in the CN District, Section 10-1.800.

All non-residential uses are subject to the following requirements; provided, however, that exceptions from these requirements may be authorized by approval of a conditional use permit:

- (1) Offices shall be no larger than 2,000 square feet and no more than 2,000 square feet of office space may be contained in any building or group of buildings on a parcel or building site.
- (2) Operating hours shall not begin before 7:00 a.m. nor end after 10:00 p.m.

Mixed-Use Development.

Mixed-use development, which entails residential uses over ground floor non-residential uses, shall be subject to the following requirements:

- (3) Shall provide separate entrances, isolation of noise and smell generating activities, and other compatibility features shall be addressed.
- (4) Special attention shall be given to architectural and landscape continuity, vehicular access and attractive pedestrian orientation. Where at all possible, parking in front of the building shall be avoided.
- (5) A minimum of 150 square feet of usable open space per residential dwelling unit shall be provided.

In the SD6 Special Design District:

(a) For each unit for at least 40% of the units in each development, a minimum of one hundred (100) square feet of usable private open space, consisting of a private yard, patio, porch, deck balcony or a combination of the above, shall be provided.

(b) All developments shall provide a minimum fifteen percent (15%) of the lot area plus 100 square feet per unit for each unit that is not provided private open space as usable common open space for passive and active recreational uses. Usable open space areas shall not include public or private rights-of-way; vehicular parking area; areas adjacent to or between structures less than fifteen (15) feet apart; required building setback areas;

private patios or yards; or areas having a slope greater than 3:1. Usable open space can include roof decks (including roof deck above structured or podium parking) on interior group open space accessible to all residents in the development.

- (c) All common opens space associated with developments shall have, at a minimum, a landscaped area of six hundred (600) square feet complete with two (2) benches. Additional amenities may include, but are not limited to, a swimming pool, spa, tot lot with play equipment, picnic shelter with barbecue area, court game facilities and indoor exercise facilities. The types of amenities shall be dependent upon the nature of development and shall be approved by the reviewing authority.
- (6) Studio apartments shall be required to have only one covered off-street parking ~~place~~ space per dwelling unit.
In the SD6 Special Design District, residential units are allowed a maximum of 1.5 spaces per studio or one-bedroom unit and 2.0 spaces for units with two or more bedrooms; non-residential uses are required to provide 1.0 space for each 315 square feet of non-residential gross floor area.
- (7) For properties located along Mission Boulevard between Harder Road and Industrial Parkway, compliance with provisions in the SD6 Special Design District.

Recommended Changes to Definition

NEIGHBORHOOD COMMERCIAL - RESIDENTIAL DISTRICT (CN-R). A land use zoning district ~~which allows~~ with a mix of neighborhood serving businesses and residences along portions of certain arterials in order to provide options for housing with ready access to shops and transit. See Section 10-1.900.

ATTACHMENT J

SEC. 10-1.1000 GENERAL COMMERCIAL DISTRICT (CG)

Sections:

Section 10-1.1005 Purpose.

Section 10-1.1010 Subdistricts.

Section 10-1.1015 Uses Permitted.

Section 10-1.1020 Conditionally Permitted Uses.

Section 10-1.1025 Lot Requirements.

Section 10-1.1030 Yard Requirements.

Section 10-1.1035 Height Limit.

Section 10-1.1040 Site Plan Review Required.

Section 10-1.1045 Minimum Design and Performance Standards.

SEC. 10-1.1005 PURPOSE.

The CG District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to provide services for the support of primary business activities in the CB District or CC Districts.

SEC. 10-1.1010 SUBDISTRICTS.

Any combining B or SD District (See Sections 10-1.2400 and 10-1.2600).

SEC. 10-1.1015 USES PERMITTED.

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CG District as primary uses.

(1) **Administrative and Professional Offices/Services.**

- (a) Accounting and financial offices. (Excluding check cashing stores)
- (b) Architectural and engineering offices.
- (c) Banks and financial institutions.
- (d) Chiropractic and acupuncture offices.
- (e) Insurance and real estate offices.
- (f) Law offices.
- (g) Medical and dental offices.
- (h) Travel and airline agency offices.

(2) **Automobile Related Uses.**

- (a) Automobile parts store.
- (b) Automobile dealership. (Dealership selling primarily new vehicles, when all minimum design standards are met)

and when located along Mission Blvd.
between Highland/Sycamore and 700 feet
south of Harder Road.)

- (3) Personal Services.
- (a) Barber or beauty shop.
 - (b) Dance studio.
 - (c) Dry cleaner/laundry.
 - (d) Health club.
 - (e) Martial arts studio.
 - (f) Music studio.
 - (g) Nail salon.
 - (h) Palm reading service.
 - (i) Photography studio.
 - (j) Physical fitness studio.
 - (k) Shoe repair shop.
 - (l) Tailor/seamstress shop.

- (4) Residential Uses.
Residential dwelling unit(s).

(Above first floor commercial uses only)

- (5) Retail Commercial Uses.
- (a) Antique store.
 - (b) Appliance store.
 - (c) Art and art supplies store.
 - (d) Bakery.
 - (e) Bicycle store.
 - (f) Bookstore.
 - (g) Camera store.
 - (h) Card shop.
 - (i) Carpet/drapery store.
 - (j) Clothing store.
 - (k) Consignment store.
 - (l) Coffee/Espresso shop.
 - (m) Delicatessen.
 - (n) Fabric store.
 - (o) Floral shop.
 - (p) Furniture store.
 - (q) Gift shop.
 - (r) Hardware store.
 - (s) Jewelry store.
 - (t) Locksmith shop.
 - (u) Music store.
 - (v) Nursery (plant).
 - (w) Paint/wallpaper store.
 - (x) Pet grooming shop.

- (y) Pet store.
- (z) Plumbing and heating store.
- (aa) Restaurant. (Where not abutting a residential district or property and with no bar)
- (bb) Sporting goods store.
- (cc) Stationary store.
- (dd) Supermarket.
- (ee) Theater (Small Motion Picture or Live Performance Only.)
- (ff) Thrift shop.
- (gg) Toy store.
- (hh) Variety store.
- (ii) Video sales and rental store.

(6) Service Commercial Uses

- (a) Appliance service and repair shop. (Not ancillary to a primary use)
- (b) Copying or reproduction facility.
- (c) Equipment rental.
- (d) Hotel or motel.
- (e) Mailing or facsimile service.
- (f) *Not Used*
- (g) Reverse vending machine(s). (When located within a convenience zone)
- (h) Upholstery shop (furniture).

(7) Other Uses.

- (a) Broadcasting studio.
- (b) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served)
- (c) Catering facility. (Where not abutting a residential district or property)
- (d) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735d. for standards)
- (e) Day Care Home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
- (f) Educational facility. (Small, generally less than 2000 square feet, designed to augment the learning process of elementary and secondary school students.)
- (g) Public agency facilities.

b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CG District:

- (1) Accessory buildings and uses. (See Section 10-1.1045)
- (2) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735e.)

- (3) Home Occupation. (See definitions)
- (4) Household pets.

SEC. 10-1.1020 CONDITIONALLY PERMITTED USES.

a. **Administrative Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the CG District subject to approval of an administrative use permit:

- (1) **Administrative and Professional Office/Services.**
Medical/dental laboratory.
- (2) **Automobile Related Uses.**
 - (a) Automobile brokerage office. (See definitions)
 - (b) Automobile repair (minor and major). (See Section 10-1.1045h. for special requirements)
 - (c) Automobile service station. “ “
 - (d) Automobile storage facility. “ “
 - (e) Car wash. “ “
 - (f) Drive-in establishments. “ “
 - (g) Parking lot.
- (3) **Personal Services.**
 - (a) Suntan parlor.
- (4) **Residential Uses.**
None.
- (5) **Retail Commercial Uses.**
 - (a) Convenience market. (See General Regulations Section 10-1.2735b. for regulations of alcohol.)
 - (b) Restaurant. (Where abutting a residential district or property but with no bar)
- (6) **Service Commercial Uses.**
 - (a) Appliance service and repair shop. (Not ancillary to a primary use)
 - (b) Equipment rental.
 - (c) Hotel or motel. (Where abutting a residential district or property)
 - (d) Recycling collection area. (When located within a convenience zone)
 - (e) Sign shop.
- (7) **Other Uses.**
 - (a) Ambulance service.
 - (b) Animal grooming service.

- (c) Animal hospital.
- (d) Auction.
- (e) Banquet hall. (Where abutting a residential district or property but where no alcohol is served)
- (f) Carnival.
- (g) Catering facility. (Where abutting a residential district or property)
- (h) Commercial Amusement Facility.
- ~~(h)~~(i) Cultural Facility
- ~~(i)~~(j) Day care center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions)
- ~~(j)~~(k) Educational facility.
- ~~(k)~~(l) Flea market.
- ~~(l)~~(m) Kennel.
- ~~(m)~~(n) Mortuary.
- ~~(n)~~(o) Outdoor gathering. (Refer to General Regulations Section 10-1.2735h.)
- ~~(o)~~(p) Passenger terminal.
- ~~(p)~~(q) Recreational facility.
- ~~(q)~~(r) Religious facility.
- ~~(r)~~(s) Sign shop.
- ~~(s)~~(t) Temporary use. (i.e., parking lot or tent sale)
- ~~(t)~~(u) Wind energy conversion system.

b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CG District subject to approval of a conditional use permit:

- (1) Administrative and Professional Offices/Services.
 - (a) Check cashing store.
 - (b) Payday loan facilities.
- (2) Automobile Related Uses.
 - Automobile sales and rental. Except as provided for under Sec. 10-1.1015a.(2)(b)
- (3) Personal Services.
 - (a) Massage parlor.
 - (b) Tattoo parlor.
- (4) Residential Uses.
 - None.
- (5) Retail Commercial Uses.
 - (a) Bar, Cocktail lounge. (See General Regulations Section 10-1.2735b. for regulations of alcohol.)
 - (b) Dance or nightclub.

SEC. 10-1.1035 HEIGHT LIMIT.

- a. Maximum Building Height: No Limit.
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls:
 - (1) Front and Side Street Yard 4 feet
 - (2) Side and Rear Yard 6 feet
(See Section 10-1.1045k. for additional standards).
- d. Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.

SEC. 10-1.1040 SITE PLAN REVIEW REQUIRED.

Site Plan Review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines. This may include fences (i.e., such as anodized gray chain link fences) in certain circumstances.

SEC. 10-1.1045 MINIMUM DESIGN AND PERFORMANCE STANDARDS.

The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to residential and commercial development allowed in the CG District, including but not limited to cultural, educational, religious or recreational facilities.

Commercial Buildings and Uses.

For commercial buildings and uses, refer to the design criteria contained in the City of Hayward Design Guidelines, applicable Special Design Districts, the Hillside Design and Urban/Wildland Interface Guidelines and the following specific criteria and standards:

- h. **Automobile Dealerships (New, located on Mission Boulevard between 700 feet south of Harder Road and Highland/Sycamore.**

ATTACHMENT K

SEC. 10-1.2200 OPEN SPACE/PARKS AND RECREATION DISTRICT
(OS)

Sections:

- Section 10-1.2205 Purpose.
- Section 10-1.2210 Subdistricts.
- Section 10-1.2215 Uses Permitted.
- Section 10-1.2220 Conditionally Permitted Uses.
- Section 10-1.2225 Lot Requirements.
- Section 10-1.2230 Yard Requirements.
- Section 10-1.2235 Height Limit.
- Section 10-1.2240 Site Plan Review.
- Section 10-1.2245 Minimum Design and Performance Standards.

SEC. 10-1.2205 PURPOSE.

The OS District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable environment devoted to parks, recreation, or passive or active open space uses for the enjoyment of all members of the community. The OS District may be used to preserve and protect land areas of special or unusual ecological or geographic interest.

SEC. 10-1.2210 SUBDISTRICTS.

None.

SEC. 10-1.2215 USES PERMITTED.

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the OS District as primary uses:
 - (1) Open space preserve areas. (Examples: wetlands, habitat refuge areas)
 - (2) Public parks and recreation facilities. (Examples: regional parks, community and neighborhood parks)
 - (3) Private parks and recreation facilities. (Examples: Homeowners Association owned parks and swim centers)
- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the OS District:

- | | |
|--|--|
| (1) Accessory building and uses. | (Including concession stands, maintenance buildings, parking lot, restroom building, etc.). |
| (2) Public recreational equipment. | (Athletic courts and fields, picnic facilities, and fields; play equipment reservoir, swimming pool) |
| (3) City sponsored events and festivals. | |

SEC. 10-1.2220 CONDITIONALLY PERMITTED USES.

- a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the OS District, subject to approval of an administrative use permit:

- (1) Outdoor gatherings.
- (2) Temporary uses.
- (3) Special events. (Examples: City- or privately- sponsored events and facilities)

- b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are conditional uses permitted in the OS District subject to the approval of a conditional use permit:

- | | |
|-------------------------|--|
| Special use facilities. | (Examples: sports parks or complexes, golf courses <u>(including miniature golf)</u> , <u>water slides</u> , <u>indoor soccer</u> , <u>batting cages</u> , <u>bowling facilities</u> , <u>billiard parlors</u> , <u>zoos</u> , nature centers) |
|-------------------------|--|

SEC. 10-1.2225 LOT REQUIREMENTS.

- | | |
|---|------------------------|
| a. Minimum Lot Size: | None. |
| b. Minimum Lot Frontage: | 35 feet. |
| c. Minimum Average Lot Width: | 200 feet. |
| d. Maximum Lot Coverage: | N/A. |
| e. Minimum Lot Depth: | 100 feet. |
| f. Special Lot Requirements and Exceptions: | See Section 10-1.2720. |

ATTACHMENT L

ARTICLE 2
OFF-STREET PARKING REGULATIONS

Section	Subject Matter
I. PURPOSE AND DEFINITIONS	
10-2.000	PURPOSE
10-2.100	DEFINITIONS
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ARTICLE 2

OFF-STREET PARKING REGULATIONS

I. PURPOSE AND DEFINITIONS

SEC. 10-2.000 PURPOSE. These regulations are intended to achieve the following:

- a. To relieve congestion on streets by providing convenient off-street parking and loading facilities in proportion to the demand created by the use;
- b. To provide for the safe and orderly movement of traffic through proper design and location of adequate parking, loading, and maneuvering areas;
- c. To protect neighborhoods and surrounding land uses from vehicular parking, loading and traffic congestion, noise, and dust through proper aesthetic design and location of entries, parking areas, and landscaping;
- d. To promote businesses and industries by providing safe, convenient, attractive shopping and working environments; and
- e. To encourage the use of alternate forms of transportation.

SEC. 10-2.100 DEFINITIONS. Certain words and phrases are defined within these regulations. Where it appears from the context of such words, phrases, or provisions that a different meaning is intended, the definition shall be as determined by the Director of Community and Economic Development/Planning Director.

- a. 'Central Parking District.' The words 'Central Parking District' shall apply only to, and shall be coincidental with, the Central City (CC) Zoning Districts, including Central City Commercial (CC-C), Central City Plaza (CC-P) and Central City Residential (CC-R).
- b. 'Gross Floor Area.' The words 'gross floor area' shall mean the area included within the exterior walls of a building or portion thereof, exclusive of vent shafts, eaves, overhangs, atriums, covered entries and courts and any portion of a structure above or below ground used for parking, parking aisles or loading areas.
- c. 'Nonconforming Use.' The words 'nonconforming use' shall mean a use which, when commenced, complied with the regulations of the district in which the use was commenced but which does not conform to the present regulations of the district where the use is being conducted or located because of a zoning district change, ordinance amendment, or annexation. The term 'nonconforming use' shall be applicable to both land and buildings.
- d. 'Off-Street Loading Space.' The words 'off-street loading space' shall mean a

designated area or berth for the temporary parking and maneuvering of delivery vehicles for the purpose of loading or unloading.

- e. 'Off-Street Parking Space.' The words 'off-street parking space' shall mean a designated area used solely for parking of motor vehicles, exclusive of public or approved private streets, areas reserved by precise plan line, and areas necessary for driveways, maneuvering, ramps, columns, walks, or similar purposes.
- f. 'South Hayward BART/Mission Boulevard Parking Area.' The words 'South Hayward BART/Mission Boulevard Parking Area' shall apply only to, and shall be coincidental with, the Station Area Residential (SAR) and Mission Boulevard Residential (MBR) Zoning Districts, as well as those portions of the Neighborhood Commercial-Residential (CN-R) Zoning District located along Mission Boulevard between Harder Road and Industrial Parkway.
- g. 'Use.' The word 'use' shall mean the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

II. GENERAL PROVISIONS

SEC. 10-2.200 APPLICATION. This article shall not apply to existing uses established prior to its adoption except as hereinafter modified. Off-street parking and loading spaces shall be provided subject to the provisions of this chapter:

- a. At the time of construction of any new building.
- b. At the time an existing building is altered or enlarged, except in the Central Parking District. The number of parking spaces or loading berths required for a major alteration or enlargement of an existing structure shall be in addition to the number of spaces or berths existing prior to the alteration or enlargement. The required number of parking spaces for that portion of the building existing prior to the alteration or enlargement shall not be increased as a result of the alteration or enlargement. For purposes of these requirements, 'major alteration or enlargement' shall mean an alteration or enlargement that would increase the number of parking spaces or loading berths required by at least 25 percent or by at least 10 parking spaces, whichever is greater.
- c. At the time a new use is established in an existing building, where a major change of use or expansion in the existing use is involved for any lot, structure, or building, except in the Central Parking District, additional parking shall be provided for the new use based on the difference between the parking requirements for the new use as set forth in this article and the parking requirements for the prior use. For purposes of these requirements, 'major change of use' shall mean a change of use that would increase the number of parking spaces or loading berths required by at least 25 percent or by at least 10 parking spaces, whichever is greater.
- d. At the time that cumulative additions to a single-family or multi-family dwelling

increase the original building floor area by more than 50 percent per unit or increase the number of sleeping rooms.

NOTE: Excess parking spaces existing at the time a building is increased in area or a new use is established may be credited toward meeting the required parking.

SEC. 10-2.201 EXISTING PARKING AREAS. No existing use of land or structure shall be deemed a nonconforming use solely because of the lack of off-street parking or loading facilities required by this article. A change of occupancy is not a change of use unless the new occupant is considered in a different use classification, as described in Chapter 10, Article 1, the Zoning Ordinance, than the former occupant.

SEC. 10-2.202 PRIOR USE REQUIREMENTS. No required parking spaces in existence prior to the date of this article, or established pursuant to the provisions of this article or subsequent amendments thereto, shall be eliminated unless an equivalent number of alternate spaces are provided in conformance with the requirements of this article.

SEC. 10-2.203 FRACTIONAL SPACES. Any required fractional parking space shall be considered a required whole space.

SEC. 10-2.204 MIXED USES. The total requirement for off-street parking spaces shall be the sum of the requirements of the various uses on the site except as provided in Section 10-2.401, Shared Parking, ~~and~~ Section 10-2.402, Off-site Parking and Sections 10-2.417 to 10-2.419, South Hayward BART/Mission Boulevard Parking.

SEC. 10-2.205 ADMINISTRATION. Except where indicated otherwise, the Director of Community and Economic Development/Planning Director shall administer and interpret these regulations. Prior to authorization for occupancy of any structure, including authorization for gas and/or electric meter service, City officials shall ensure that the use, arrangement, construction, and improvements are in accordance with plans approved through the verification of zoning compliance procedure.

SEC. 10-2.404 CREDIT FOR PROXIMITY TO PUBLIC TRANSPORTATION FACILITIES.

- a. Except for uses established in the Central Parking District and the South Hayward BART/Mission Boulevard Parking Area, parking space requirements for public or private institutional or government uses, e.g., hospitals, office buildings, may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent, provided public transportation is available within 500 feet of the site or if public rail transportation is available within 1000 feet of the site.
- b. Except for uses in the South Hayward BART/Mission Boulevard Parking Area, parking space requirements for retail establishments may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent, provided a public bus stop and shelter are immediately adjacent to the site and maintained by the retail establishment.
- c. Except for uses established in the Central Parking District and in the South Hayward BART/Mission Boulevard Parking Area, parking space requirements for multi-family residential may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent provided public rail transportation is available within 1,000 feet of the site.

SEC. 10-2.405 CREDIT FOR SENIOR CITIZEN/HANDICAPPED HOUSING.

Parking space requirements for residential developments exclusively for individuals 62 years of age and older and/or for persons with disabilities may be reduced by the Director of Community and Economic Development/Planning Director up to 25 percent when:

- a. The facility is conveniently located with respect to shopping, services, and public transportation;
- b. Units are permanently made available to low income persons;
- c. Tenant vehicles are limited to the number of parking spaces provided exclusive of guest parking spaces; and
- d. The Director of Community and Economic Development/Planning Director finds that these conditions substantially reduce the need for on-site parking. The percent reduction obtained cannot be in addition to any other reductions.

SEC. 10-2.406 CREDIT FOR TWO-WHEEL VEHICLE PARKING SPACE(S). In addition to the off-street parking requirements heretofore enumerated, additional parking spaces or facilities for bicycles, motorcycles, and similar two-wheel vehicles shall be provided when more than 50 parking spaces are required. Location, area, design, and improvement of such space or facilities shall be as approved by the Director of Community and Economic Development/Planning Director.

- a. Credit for one parking space shall be given for each 4 bicycle spaces provided, whether the spaces are required or not. Bicycle spaces shall measure at least 2- feet by 7-feet and shall be located in groups of 4 and be equipped with locking devices for each bicycle.
- b. Credit for one parking space shall be given for each 2 motorcycle spaces provided, whether the spaces are required or not. Motorcycle spaces shall measure 4-feet wide by 8-feet long and shall provide an adequate maneuvering area to permit easy access to the space.
- c. Credits for bicycle and motorcycle parking, or a combination thereof, shall not exceed 5 percent of the total required parking spaces.

SEC. 10-2.407 CENTRAL TANDEM PARKING DISTRICT NON-RESIDENTIAL PARKING REQUIREMENTS STANDARDS

- a. Tandem parking is permitted for single-family and mobilehomes.
- b. Tandem parking may be permitted by the Director of Community and Economic Development/Planning Director for multi-family residences in the Central Parking District and South Hayward BART/Mission Boulevard Parking when both spaces are assigned to the same dwelling unit and are enclosed within a garage.
- c. Tandem parking may be permitted by the Planning Commission for multi-family residences outside the Central Parking district and South Hayward BART/Mission Boulevard Parking Area when both spaces are assigned to the same dwelling unit and are enclosed within a garage and when 1) the development contains at least 20 units and is located within 1,000 feet of a bus route with 7-day service or a rail station; 2) no more than 35 percent of the residences are provided tandem spaces; 3) the tandem garages are spaced or grouped such that vehicular movement conflicts are minimized; and 4) the tandem garages are located such that vehicles back out into an alley or courtyard that provides access to parking facilities only. Based on a recommendation by the Planning Commission, the percentage of units with tandem garages may be increased by the City Council where such increase serves to meet the goals of an officially-adopted Design plan, including, but not limited to, density and architectural design.
- d. Tandem Parking may be permitted by the Director of Community and Economic Development/Planning Director for commercial parking facilities when a valet/attendant is on duty during the hours when the facility is being used.

SEC. 10-2.410 CENTRAL PARKING DISTRICT STANDARDS. All requirements of this article shall apply to development located within the Central Parking District, as defined by Section 10-2.401100, except as hereinafter modified.

Parking and loading spaces in the Central Parking District shall conform to the extent possible with the Downtown Hayward Design Plan, which seeks to create a densely developed, mixed use, pedestrian oriented downtown neighborhood.

SEC. 10-2.411 CENTRAL PARKING DISTRICT NON-RESIDENTIAL PARKING REQUIREMENTS.

1.0 space for each 315 square feet of gross floor area except for theaters; 1.0 space for each 4.0 seats.

An increase in the number of dwelling units within an existing building or the conversion of a non-residential use to residential within the Central Parking District shall not require providing parking spaces.

SEC. 10-2.412 CENTRAL PARKING DISTRICT RESIDENTIAL PARKING REQUIREMENTS. Residential parking shall be provided on the site being developed. Use of combined facilities for residential parking requirements shall be permitted if parking facility is located on site of residential development.

1.0 covered and 0.50 open spaces per dwelling unit.

0.5 space per dwelling unit for multiple-family dwellings providing housing exclusively for the elderly. (Occupancy requirements must be guaranteed, e.g., condition of government financing or grant, or other guarantee acceptable to the City.)

SEC. 10-2.413 CENTRAL PARKING DISTRICT PARKING SPACE IN-LIEU PAYMENTS. The Central Parking District requirements may be satisfied by providing payments in lieu of providing all or part of the required non-residential parking. Such payments shall be accepted on behalf of the City only when adequate municipal parking is available or will be provided within a reasonable walking distance of the proposed development, as determined by the Director of Community and Economic Development/ Planning Director. Such payments shall be placed in a fund to be used for the provision of municipal parking facilities serving the Central Parking District. The amount of such payments shall be determined by the Director of Public Works and be computed on the basis of the estimated cost of providing an equivalent number of spaces at the time the development is approved. The estimate shall include land costs computed at the fair market value for the land as established by the County Assessor. Construction costs shall be computed on the basis of construction of surface parking to City standards.

SEC. 10-2.414 DOWNTOWN CORE AREA SPECIFIC PLAN REDUCTION. Within the area subject to the Downtown Core Area Specific Plan, the residential parking requirement may be reduced by the approving authority to a minimum of 1.0 space-per-dwelling unit, provided that the aggregate parking supply for all residential units at buildout, as described in the Specific Plan, excluding units exclusively for the elderly, is 1.5 spaces per dwelling. Residential parking requirements may be met in locations other than on the development sites, subject to the approval of the reviewing authority.

SEC. 10-2.415 CENTRAL CITY - PLAZA DISTRICT EXCEPTIONS. Additional off-street parking spaces shall not be required for construction of new buildings for commercial uses located on the ground floor in the Central City-Plaza District. Off-street parking spaces shall not be required for construction of new buildings of similar area which replace demolished or damaged buildings within 6 months that were located all or partially in the Central City-Plaza District.

SEC. 10-2.416 COTTAGE DISTRICT - EXCEPTIONS. In the Cottage District, 1.0

off-street parking space per cottage is required; however, a single-car garage in a raised basement or backyard or nearby leased parking may be appropriate depending on the site circumstances. Driveways should generally be limited to a 10 foot width and in no case exceed 30 percent of the lot width. Double car garages in the front street elevation are prohibited.

SEC. 10-2.417 SOUTH HAYWARD BART/MISSION BOULEVARD PARKING STANDARDS. All requirements of this article shall apply to development in the South Hayward BART/Mission Boulevard Parking Area, as defined by Section 10-2.100.

Parking and loading spaces for the South Hayward BART/Mission Boulevard Parking Area shall conform with the South Hayward BART/Mission Boulevard Concept Design Plan, which seeks to create a variety of high density, transit-oriented development in proximity to the South Hayward BART Station and along the major transit corridor, Mission Boulevard.

SEC. 10-2.418 SOUTH HAYWARD BART/MISSION BOULEVARD PARKING AREA NON-RESIDENTIAL PARKING REQUIREMENTS.

1.0 space for each 315 square feet of gross floor area.

SEC. 10-2.419 SOUTH HAYWARD BART/MISSION BOULEVARD PARKING AREA RESIDENTIAL PARKING REQUIREMENTS. Residential parking shall be provided on the site being developed as indicated below. Use of combined facilities for residential or BART commuter parking requirements shall be permitted if parking facility is located on site of residential development.

Station Area Residential (SAR) Zoning District:

1.0 space maximum per studio or one bedroom unit

1.3 spaces maximum per unit with two or more bedrooms

Mission Boulevard Residential (MBR) Zoning District:

1.3 spaces maximum per studio or one bedroom unit

1.5 spaces maximum per unit with two or more bedrooms

Neighborhood Commercial-Residential (CN-R) Zoning District:

1.5 spaces maximum per studio or one bedroom unit.

2.0 spaces maximum per unit with two or more bedrooms.

SEC. 10-2.420 EXCEPTIONS.

- a. An exception may be granted from the provisions hereof where unnecessary or unusual hardship is shown and where such exception will not defeat the purposes of this article or the Zoning Ordinance. Possible reasons for issuing an exception include an unusually low number of employees for a given wholesale or manufacturing use; unusually small size of units; unusual topography, size, or shape of a parcel or existing structures; compatibility with the surrounding development; or other unusual conditions.
- b. Applications for exceptions shall be processed in accordance with Sections 10-1.2815 through 10-1.2825 and Sections 10-1.3305 through 10-1.3365 of the Zoning

Ordinance. Notice of a decision by the Director of Community & Economic Development/ Planning Director on a parking exception which exceeds 25 percent of the parking requirements shall be given within 5 business days of the decision.

- c. The Director of Community and Economic Development/Planning Director, or the Planning Commission upon referral by the Director of Community and Economic Development/Planning Director, may grant an exception when it can be determined that:
 - (1) There are special conditions or circumstances peculiar to the property involved that do not apply generally to property in the same district;
 - (2) Literal interpretation of this article would cause a hardship or deprive the applicant of rights enjoyed by others in the same district, who have applied for parking since adoption of this ordinance;
 - (3) The granting of the exception does not grant a special privilege inconsistent with the limitations on other properties in the same district;
 - (4) The granting of an exception will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the requirements set forth in this article as nearly as is reasonably possible; and
 - (5) The granting of an exception will not create a safety hazard or any other condition inconsistent with the purposes of this article.
- d. For purposes of this section, the fact that the proposed parking and circulation requirements on sites with existing buildings is in compliance with the requirements set forth in this article as nearly as is reasonably possible, may constitute a special circumstance warranting an exception under this section.

SEC. 10-2.430 APPEALS. Any person aggrieved by the action of the Director of Community and Economic Development/Planning Director may appeal such action to the Planning Commission by filing a written appeal with the Development Review Services Division within 10 days from the date of such action. Upon completion of its consideration, the Planning Commission may sustain, or modify, or reverse the preceding decision.

Any member of the City Council may request review of an application on which the Director of Community and Economic Development/Planning Director or the Planning Commission has made a final decision. The Council Member requesting review shall file a written request for review with the City Clerk before the 10th day following the day the decision is rendered. The matter shall be scheduled for review and approval by the City Council. The City Council may approve, conditionally approve, or disapprove the applications based upon the relevant findings. In the event significant new evidence, which may include change in the proposal, is presented at the time of hearing, the Council may return the matter to the approving authority for further consideration and a decision. If the application has previously been subject to notice under Section 10-1.2820, it shall be scheduled for a hearing by the City Council and noticed in accord with Section 10-1.2820. No fees by the applicant shall be required when a member of the City Council requests review of an applicant.

ATTACHMENT M

**SEC. 10-1.2635 SOUTH HAYWARD BART/MISSION BOULEVARD
SPECIAL DESIGN DISTRICT (SD-6).**

The South Hayward BART/Mission Boulevard Special Design District includes the area encompassed in the South Hayward BART/Mission Boulevard Concept Design Plan. Consistent with the General Plan, the purpose of the South Hayward BART/Mission Boulevard Special Design District (SD-6) is to implement policies embodied in the South Hayward BART/Mission Boulevard Concept Design Plan. The Concept Design Plan envisions development of high density transit-oriented development along the Mission Boulevard transit corridor generally between Harder Road and Industrial Parkway, and a transit village with high density residential development with a variety of neighborhood-serving retail and public uses in proximity to the South Hayward BART Station. The following design requirements shall apply to the South Hayward BART/Mission Boulevard Special Design District (SD-6)

a. **Design Theme.**

The overall layout and design of development proposed within this district shall be consistent with Chapters 3 through 5 of the South Hayward BART/Mission Boulevard Concept Design Plan.

b. **Development Densities.**

Densities of new development shall be consistent with the applicable General Plan designations and shall further conform to the densities specified in Chapter 3 of the South Hayward BART/Mission Boulevard Concept Design Plan.

c. **Building Setbacks.**

The required minimum building setbacks for new ground-floor, commercial development along Mission Boulevard shall be 10 feet, or 16 feet for ground-floor residential development. For development on properties where an access lane is indicated in the Concept Design Plan, an additional minimum 28 foot setback is required to accommodate diagonal parking and the access lane.

The required minimum setback for new development along Dixon Street shall be 20 feet.

The required minimum setback for new development along the bus transfer area by the South Hayward BART Station shall be 25 feet.

For new buildings of four or more stories that abut existing one or two story residential uses or abut residential zoning districts that allow up to three stories of residential development, a minimum 10 foot landscaped area abutting such residential uses or zones is required.

Architectural features such as cornices, eaves, open porches, bay windows, and canopies may extend into the required front yard, in accordance with the Concept Design Plan.

d. **Parking**

Parking standards shall be in accordance with the Off-Street Parking Regulations, including

the following:

SAR Zoning District:

- 1.0 space maximum per studio or one-bedroom unit
- 1.3 spaces maximum per dwelling units with two or more bedrooms
- 1.0 space for each 315 square feet of non-residential gross floor area

MBR Zoning District:

- 1.3 spaces maximum per studio or one-bedroom unit
- 1.5 spaces maximum per dwelling units with two or more bedrooms

CN-R Zoning District (between Harder Road and Industrial Parkway):

- 1.5 spaces maximum per studio or one-bedroom unit
- 2.0 spaces maximum per dwelling units with two or more bedrooms
- 1.0 space for each 315 square feet of non-residential gross floor area

e. **Parks and Open Space.**

Parks and other open space proposed within new developments shall be consistent with the South Hayward BART/Mission Boulevard Concept Design Plan.

For all developments in the Station Area Residential (SAR), Mission Boulevard Residential (MBR) and Neighborhood Commercial-Residential (CN-R) Zoning Districts, a minimum of one hundred (100) square feet of usable private open space is required for each unit for at least 40% of the units in each development, consisting of a private yard, patio, porch, deck, balcony or a combination of the above.

All developments in the Station Area Residential (SAR), Mission Boulevard Residential (MBR) and Neighborhood Commercial-Residential (CN-R) Zoning Districts shall provide a minimum twenty percent (20%) (for SAR) or fifteen percent (15%) (for MBR and CN-R) of the lot area, plus 100 square feet per unit for each unit that is not provided private open space, as usable common open space for passive and active recreational uses. Usable open space areas shall not include public or private rights-of-way; vehicular parking area; areas adjacent to or between structures less than fifteen (15) feet apart; required building setback areas; private patios or yards; or areas having a slope greater than 3:1. Usable open space can include roof decks (including roof deck above structured or podium parking) on interior group open space accessible to all residents in the development.

All common open space associated with developments in the Station Area Residential (SAR), Mission Boulevard Residential (MBR) and Neighborhood Commercial-Residential (CN-R) Zoning Districts shall have, at a minimum, a landscaped area of one-thousand (1,000) square feet (for SAR) or six hundred (600) square feet (for MBR and CN-R) complete with two (2) benches. Additional amenities may include, but are not limited to, a swimming pool, spa, tot lot with play equipment, picnic shelter with barbecue area, court game facilities and indoor exercise facilities. The types of amenities shall be dependent upon the nature of development and be approved by the reviewing authority.

f. **Circulation Improvements**

Circulation improvements, including provision of trails, within the district shall be consistent with Chapter 5 of the Mission Boulevard Concept Design Plan.

ATTACHMENT N

FINDINGS FOR APPROVAL

South Hayward BART/Mission Boulevard Concept Design Plan Project Text Amendments

1. The application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Environmental Impact Report has been prepared for the proposed project.
2. Proposed text amendments conform to the General Plan, as amended, and reflect the City's development goals and objectives as articulated in the General Plan.
3. Provisions of the proposed Station Area Residential (SAR) and Mission Boulevard Residential (MBR) Zoning Districts, as well as recommended amendments to the provisions of the Neighborhood Commercial-Residential (CN-R), General Commercial (CG) and Open Space – Parks and Recreation (OS) Zoning Districts, will promote transit-oriented development and a variety of uses, including high density residential uses and mixed use near the South Hayward BART Station and along the Mission Boulevard transit corridor, which would be consistent with policies of the Hayward General Plan.
4. Provisions of the proposed South Hayward BART/Mission Boulevard Special Design District (SD-6) will ensure that potential development will be consistent with the related Concept Design Plan, which seeks to promote the goals and policies of the Hayward General Plan and Design Guidelines.
5. Recommended amendments to the City's Off-Street Parking Regulations will promote transit-oriented development and smart growth principles, in that development near the South Hayward BART Station and along the Mission Boulevard transit corridor will have reduced parking limitations to promote non-reliance on the automobile.
6. Substantial proof exists that the proposed text amendments will promote the public health, safety, convenience and general welfare of the residents of Hayward in that such amendments would implement zone changes that would provide opportunities for development of much-needed housing in close proximity to the South Hayward BART Station and along the Mission Boulevard transit corridor, which will promote smart growth principles and non-reliance on the automobile, resulting in less traffic and air pollution.
7. The proposed text amendments are in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans, including the General Plan, in that such amendments would facilitate implementation of the South Hayward BART/Mission Boulevard Concept Design Plan, which would provide opportunity to integrate greater intensity of development and enhance the surrounding neighborhood within one-half mile of the South Hayward BART Station and to promote transit-oriented development in the Mission Boulevard transit corridor in order to help relieve regional congestion and create a distinctively attractive boulevard.

DUE TO THE COLOR OF
ATTACHMENTS “O” AND “P”,
THEY HAVE BEEN ATTACHED
AS SEPARATE LINKS

ATTACHMENT Q

South Hayward BART/Mission Boulevard Concept Design Plan EIR

Mitigation Monitoring and Reporting Program

June 2006

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
Mitigation Measure 4.1-1 - Visual Character. Development projects submitted to the City of Hayward within the project area shall be subject to design review to ensure that privacy impacts on surrounding properties and effects of shade and shadow are reduced to a less-than-significant impact. Design of future buildings shall include "stepping down" of taller buildings, appropriate siting of windows and balconies to maximize privacy and establishment of view corridors to nearby hills.	Individual Project Developers	Hayward Planning Division	During Site Plan Review, in terms of design, and prior to issuance of building permits, for new development projects
Mitigation Measure 4.1-2 - Views and Vistas. Development projects submitted to the City of Hayward within the project area shall be subject to design review to ensure that impacts on views towards the Hayward hills are reduced to a level of insignificance. Design features may include, but is not limited to preservation of view corridors between buildings, stepping down of buildings near existing development, use of corner cut-offs, establishment of view corridors to nearby hills and similar design elements.	Individual Project Developers	Hayward Planning Division	During Site Plan Review, in terms of design, and prior to issuance of building permits, for new development projects
Mitigation Measure 4.1-3 - Light and Glare	Individual Project	Hayward Planning	During Site Plan Review, in terms

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
impacts. Lighting Plans shall be submitted as part of all future development projects. Lighting Plans shall include lighting fixtures to be employed and specific measures to be taken to ensure that lighting is directed downward so that light and glare will be minimized.	Developers	Division	of design, and prior to issuance of building permits, for new development projects
Mitigation Measure 4.2-1 -Inconsistency with an air quality plan and cumulative air quality impacts. Mitigation Measure 4.6.1, contained in Section 4.6, directs the City of Hayward to consult with the Association of Bay Area Governments to include the buildout population of the approved Concept Plan alternative for this project. However, even with current General Plan goals and strategies and adherence to Mitigation Measure 4.6-1, the project would be inconsistent with the Clean Air Plan and would be a significant and unavoidable impact.	City of Hayward Planning Division	City of Hayward Planning Division	As part of next regional population update round
Mitigation Measure 4.2.2 - Cumulative air quality impacts. Implementation of Mitigation Measure 4.2-1 would assist in reducing this impact, but it would still remain as a significant and unavoidable impact.	City of Hayward Planning Division	City of Hayward Planning Division	As part of next regional population update round
Mitigation Measure 4.3-1a – Demolition and Hazardous Air Emissions. Prior to commencement of demolition or deconstruction activities within the project area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire	Individual Project Developers	Alameda County Environmental Health Department, Bay Area Air Quality Management District, Department of Toxic Substances Control and the	Prior to issuance of demolition Permits

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
Department for required site clearances, necessary permits and facility closure with regard to demolition and deconstruction and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with State and Federal OSHA standards. Worker safety plans shall be included for all demolition or deconstruction plans.		Hazardous Materials Division of the Hayward Fire Department, and City of Hayward Planning Division	
Mitigation Measure 4.3-1b - Hazardous Air Emissions. Prior to commencement of grading activities within the project area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable regulatory agencies, remediation plans shall be prepared and implemented to remediate any hazards to acceptable levels and shall identify methods for removal and disposal of hazardous materials. Worker safety plans shall also be prepared and implemented. All required approvals and clearances shall be obtained from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, Department of Toxic and Substances Control and Bay Area Air Quality Management District.	Individual Project Developers	Hayward Fire Department, Department of Toxic and Substances Control and Bay Area Air Quality Management District, Hayward Planning Division and other potentially affected agencies	Prior to issuance of grading or demolition permits
Mitigation Measure 4.3-2 - Potential Soil and Groundwater Contamination. Prior to approval of building or demolition permits, project developer(s) shall prepare a Phase I environmental	Individual Project Developers	Hazardous Materials Office of the Hayward Fire Department, Hayward Planning	Prior to issuance of demolition or grading permits

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
site analysis and, if warranted by such analysis as determined by the Hazardous Materials Office of the Hayward Fire Department or other regulatory agency, a Phase II environmental site analysis shall also be conducted. Recommendations included in the Phase II analysis for remediation of hazardous conditions shall be followed, including contact with appropriate regulatory agencies to obtain necessary permits and clearances. No construction (including grading) shall be allowed on a contaminated site until written clearances are obtained from appropriate regulatory agencies.		Division and other potentially affected agencies	
Mitigation Measure 4.4-1 - Drainage Impacts. Site-specific drainage plans shall be prepared for all future construction within the project area prior to project approval. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda Flood Control and Water Conservation District staff prior to approval of the proposed development project.	Individual Project Developers	Hayward Public Works Department and Alameda County Flood Control and Water Conservation District	Prior to issuance of grading permits
Mitigation Measure 4.4-2 - Flooding Impacts. Prior to construction within a 100-year flood plain	Individual Project Developers for	Hayward Public Works Department	Prior to issuance of grading or building permits for any property

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>area, project developers shall either:</p> <ul style="list-style-type: none"> a) Submit a hydrology and hydraulic study prepared by a California-registered civil engineer proposing to remove the site from the 100-year flood hazard area through increasing the topographic elevation of the site or similar steps to minimize flood hazards. The study shall demonstrate that flood waters would not be increased on any surrounding sites, to the satisfaction of City staff. b) Comply with Section 9-4.110, General Construction Standards, of the Hayward Municipal Code, which establishes minimum health and safety standards for construction in a flood hazard area. c) Apply to the City for a Conditional Letter of Map Revision (CLOMR) to remove the site from the FEMA Flood Insurance Rate Map 100-year flood hazard area. 	properties within a 100-year flood plain	and Hayward Planning Division	within a 100-year flood plain
<p>Mitigation Measure 4.5-1 - Construction Noise Impacts. Construction Noise Management Plans shall be prepared for all development projects within the project area, including public and private projects. Each plan shall specify measures to be taken to minimize construction noise on surrounding developed properties. Noise Management Plans shall be approved by City staff prior to issuance of grading or building permits and shall contain, at minimum, a listing of hours of construction operations, a requirement for the use of mufflers on</p>	Individual Project Developers	Hayward Pubic Works Department and Hayward Planning Division	Prior to issuance of grading or building permits

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
construction equipment, limitation on on-site speed limits, identification of haul routes to minimize travel through residential areas and identification of noise monitors. Specific noise management measures shall be included in appropriate contractor plans and specifications.			
Mitigation Measure 4.5-2 - Permanent Noise Impacts. Site-specific acoustic reports shall be prepared for future residential projects within the project area. Each report shall include a summary of existing noise levels, an analysis of potential noise exposure levels, consistency with City of Hayward noise exposure levels and specific measures to reduce exposure levels to City of Hayward noise standards.	Individual Project Developer	Hayward Planning Division	Prior to discretionary project approvals
Mitigation Measure 4.6-1 - Population Increase If the City approves either the Urban or Suburban Concept alternatives, the City of Hayward shall consult with ABAG to ensure buildout populations for the project area are included in future regional projections.	Hayward Planning Division and Association of Bay Area Governments	Hayward Planning Division	As part of next regional population update round
Mitigation Measure 4.7-1 - Level of Service at Dixon Street/Tennyson Road. Provide northbound and southbound left turn lanes and modify the traffic signal at Dixon Street/Tennyson Road to provide for protected-permissive northbound left turns and permissive southbound left turns. This mitigation will improve the LOS to D in the AM peak under both the Blended and Urban scenarios.	Hayward Public Works Department	Hayward Public Works Department	As dictated by future traffic increases
Mitigation Measure 4.7-2 - Level of Service at Mission Boulevard/Industrial Parkway. Modify	Hayward Public Works Department	Hayward Public Works Department	As dictated by future traffic increases

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
and will improve the LOS to D in the 2025 AM peak periods at the Mission Boulevard/Industrial Parkway intersection. <i>(Mitigation applicable only for the Urban scenario.)</i>			
Mitigation Measure 4.7-3 - Parking Resource Impacts. Detailed parking studies will be required of future developments in the project area to ensure impacts of development on parking resources will be less-than-significant. If determined to be necessary as a result of such studies, mitigation measures will be required to be implemented. Examples of such measures could include parking charges and separate parking space rentals.	Individual Project Developers	Hayward Planning Division and Hayward Public Works Department	Prior to discretionary approvals for future development projects
Mitigation Measure 4.7-4 - Cumulative Traffic Impacts. As noted in the City of Hayward's adopted General Plan and related certified EIR, implementation of the General Plan policies and strategies, such as implementation of "smart growth" policies, will reduce the City's contribution to traffic growth a less-than-significant level. However, due to physical constraints, funding limitations and regional growth patterns, cumulative traffic impacts anticipated by the South Hayward BART project are expected to be significant and unavoidable.	Please refer to statement of overriding considerations.	n.a.	n.a.
Mitigation Measure 4.8-1 - Fire Services. If the City determines new or replacement equipment is needed, future developers shall: (a) Pay a fair share contribution to the City of Hayward to finance the acquisition of equipment to serve proposed developments, including those associated with mid to high	Individual Project Developers	Hayward Fire Department	Prior to finalization of development projects

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Mitigation Measure 4.8-1 - Fire Services. If the City determines new or replacement equipment is needed, future developers shall:</p> <p>(a) Pay a fair share contribution to the City of Hayward to finance the acquisition of equipment to serve proposed developments, including those associated with mid to high rise structures (3 to 7 stories); and</p> <p>(b) Pay a fair share contribution to the City of Hayward to finance the acquisition of traffic pre-emption devices along Mission Boulevard, as determined by the Hayward Fire Chief, to ensure emergency equipment can access new construction in the project area.</p>	Individual Project Developers	Hayward Fire Department	Prior to finalization of development projects
<p>Mitigation Measure 4.8-2 - Police Services. If the City determines new or replacement equipment is needed, future developers shall pay a fair share contribution to the City of Hayward to finance the acquisition of such equipment, including, but not limited to vehicles.</p>	Individual Project Developers	Hayward Police Department	Prior to finalization of development projects

ATTACHMENT R

FINDINGS

South Hayward BART/Mission Boulevard Concept Design Plan Project Environmental Impact Report

1. The South Hayward BART/Mission Boulevard Concept Design Plan Project Environmental Impact Report ("EIR") reflects the independent judgment of the Planning Commission and its staff and is an adequate and extensive assessment of the environmental impacts of the South Hayward BART/Mission Boulevard Project.

CONSIDERATION OF PROJECT ALTERNATIVES.

2. The EIR evaluates the potential impacts of the proposed Project, including five alternatives, one of which is the No Project Alternative. The principal elements of the alternatives are summarized below.

Suburban Concept Alternative: This alternative would provide the lowest land use density and intensity of use of all of the alternatives.

Parcels located between these the commercial land use designations at the north and south ends of the study area would include a mix of Mission Boulevard Residential (34.8 to 75 dwellings per acre) and Commercial/Residential uses along major portions of the Mission Boulevard frontage. A number of larger parcels along the southerly end of the project area would be designated for High Density Residential development (17.4 to 34.8 dwellings per acre) and Medium Density residential (8.7 to 17.4 dwellings per acre). Properties on the east side of Tennyson Road at Mission Boulevard would be designated for Commercial uses. Property to the south of the BART station on BART property would be designated as Station Area Residential (75.0 to 100.0 dwellings per acre) and a multi-level parking garage would be constructed on the northern portion of the BART parking lot. Property east of Bowman School to Mission Boulevard would be devoted to an expansion of this school.

Under the proposed Suburban Concept, up to 1,886 net new dwellings would be allowed at the mid-point of applicable General Plan density ranges. Non-residential development would include approximately 362,750 square feet, including retail, commercial and similar uses. This would be a net decrease of approximately 51,500 square feet of non-residential land uses from pre-project conditions.

Blended Concept Alternative: The second alternative proposes a mix of higher density residential, commercial and mixed uses greater than the Suburban Concept Alternative, but less than the Urban Concept Alternative. Similar to the Suburban Alternative, land uses at the north and south portions of the project area would be devoted to commercial land uses, including potential automobile dealers at the southwest corner of Harder Road and Mission Boulevard and a potential conference/hotel complex on the southwest corner of Industrial Parkway and Mission Boulevard. Uses along Mission Boulevard would be a mix of Mission Boulevard Residential, High Density Residential, Commercial and Mixed Use.

As shown in the Suburban Concept Alternative, Bowman School would be expanded to Mission Boulevard under this Alternative and a site for a community center would be reserved on the southwest corner of Mission Boulevard and Valle Vista Avenue. A new grocery store site is reserved for the northwest corner of Mission Boulevard and Valle Vista Avenue.

Around the BART station, land uses would be Station Area Residential that would allow densities up to 100 dwellings per acre, with some of the surrounding properties allowing replacement BART parking and some not. This alternative would include a BART parking garage and a Bus Transfer Area to serve AC Transit busses.

The Blended Concept would allow a net increase of 2,427 residential units within the project area at the midpoint of applicable General Plan land use categories. Non-residential floor space would include an estimated 386,920 square feet at the midpoint of applicable General Plan land use designations. This would be a decrease of approximately 50,350 square feet of non-residential use within the project area under this Alternative as compared to pre-project conditions.

Urban Concept Alternative: This third alternative would contain the most dense development of the three alternatives analyzed. Under the Urban Concept, the predominant uses along the Mission Boulevard frontage would be a combination of Mission Boulevard Residential uses (34.8 to 75.0 dwellings per acre) and Mixed Use (27.0 to 75 dwellings per acre). Commercial uses would be located on properties in the approximate center of the project area and on the former Holiday Bowl site. Properties nearest the BART station would be designated for Station Area Residential uses (75.0 to 100.0 dwellings per acre), which would allow for ground-floor retail and service-oriented uses. Mixed use, including possible office uses, are envisioned for the northern portion of the BART property, north of the station. A new parking garage is shown on the east side of Dixon Street, with the remainder of BART replacement parking to be distributed within uses to the west of Dixon Street on the BART properties. A reconfigured bus transfer station is proposed near the BART station for AC Transit busses. Properties along Dixon Street would be designated for High Density Residential (17.4 to 34.8 dwellings per acre).

Under this alternative, a site for a community center would be reserved on the southwest corner of Mission Boulevard and Valle Vista Avenue, with a new grocery store envisioned at the northwest corner. Also, Bowman Elementary School would be converted to a mix of open space uses surrounded by High Density Residential uses. An alternative school site would need to be identified should this scenario be implemented.

The Urban Concept Alternative would allow 3,707 net new dwelling units at the mid-point of applicable General Plan density ranges. This Alternative would also allow approximately 520,100 square feet of retail, office and other non-residential land use at the mid-point of applicable General Plan land use designations, which would be a net increase of approximately 67,800 square feet over pre-project land use conditions.

Draft Concept Plan Alternative: Under this alternative, future auto dealerships would be allowed at the north end of the project area, at the southwest corner of Harder Road and

Mission Boulevard. Properties along Mission Boulevard would be developed with a mix of High Density Residential and Mission Boulevard Residential. The southerly end of the project area at the southwest corner of Industrial Parkway and Mission Boulevard is envisioned to be developed as a hotel and conference center, with the lands on the east side of Mission Boulevard south of Industrial Parkway indicated for retail/office development. The Draft Concept Plan also includes an expansion of Bowman School, development of a recreation/entertainment center on the southeast corner of Mission Boulevard and Tennyson Road and development of a community center southeast of the BART station at Valle Vista Avenue and Mission Boulevard. Finally, this alternative includes more intense development adjacent to the BART station than would be allowed in the other three alternatives analyzed in this DEIR.

This alternative envisions additional new development of approximately 2,814 dwellings at the mid-point of proposed General Plan densities. Non-residential development (retail, office and similar non-residential uses) would entail approximately 367,755 square feet, which would be a net reduction of approximately 69,500 square feet from existing conditions, as other existing non-residential uses are developed with new residential uses.

No-Project Alternative: Under this alternative, existing General Plan land use designations of commercial and residential would remain. Per the mid-point of existing General Plan Land Use designations, up to 1,190 new additional dwellings, in addition to the 73 dwellings currently in place, could occur within the project area, totaling 1,263 dwellings. As with previously analyzed alternatives, such numbers correspond only to those parcels that are envisioned for redevelopment.

MITIGATION MEASURES.

3. The proposed mitigations set forth in the EIR and the associated Mitigation Monitoring and Reporting Program will reduce all of the environmental impacts of the implementation of the Project to an insignificant level, except for certain impacts relating to cumulative traffic, inconsistency with the regional Clean Air Plan and cumulative air quality emissions.

The following findings identify those impacts that, with mitigation measures, can be reduced to a less-than-significant level.

Potentially Significant Impact: Impact 4.1-1 (Visual Character): Approval of any of the proposed land use concept alternatives would represent an impact to the visual character and scale for some of the adjacent or nearby properties where Station Area Residential (5 to 7 stories around the BART station) and Mission Boulevard Residential (3 to 5 stories) residential land uses are proposed, since taller and larger buildings would be placed adjacent to or near existing single-family dwellings. Impacts would likely be increased shade and shadow effects on adjacent or nearby properties during some times of the year, potential loss of privacy and the potential for incompatible scale of adjacent buildings.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

As reflected in Mitigation Measure 4.1-1, all new development projects submitted to the City of Hayward within the project area shall be subject to design review to ensure that privacy impacts on surrounding properties and effects of shade and shadow are reduced to a less-than-significant impact. Design of future buildings shall include "stepping down" of taller buildings, appropriate siting of windows and balconies to maximize privacy and establishment of view corridors to nearby hills.

Potentially Significant Impact: Impact 4.1-2 (Views and Vistas): Approval of any of the proposed land use concept alternatives in areas near Station Area Residential uses (5 to 7 stories) and Mission Boulevard Residential uses (3 to 5 stories) would impact some of the views of the Hayward hills from residences, as well as for motorists, pedestrians and bicyclists using roadways within the project area. Views of the Hayward hills from roadways, parks and other areas west of the project site could also be affected.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Mitigation Measure 4.1-2 requires that any new development projects submitted to the City of Hayward within the project area shall be subject to design review to ensure that impacts on views towards the Hayward hills are reduced to a level of insignificance. Design features may include, but is not limited to preservation of view corridors between buildings, stepping down of buildings near existing development, use of corner cut-offs, establishment of view corridors to nearby hills and similar design elements.

Potentially Significant Impact: Impact 4.1-3 (Light and Glare): Additional sources of light and glare would be added to the project area under all three alternatives, especially related to Station Area Residential and Mission Boulevard Residential land uses (3 to 7 stories), with the most significant being under the Urban Concept Alternative. New sources of lights would include balcony and deck lights in the upper levels of multi-story buildings. New light sources would be visible from vistas inside and outside the project area, given the anticipated height of proposed buildings.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Mitigation Measure 4.1-3 requires the submittal of Lighting Plans as part of all future development projects in a project area. Lighting Plans shall include lighting fixtures to be employed and specific measures to be taken to ensure that lighting is directed downward so that light and glare will be minimized.

Potentially Significant Impact: Impact 4.2-1 (Inconsistency with an Air Quality Plan): The three alternatives would generate additional population in the City of Hayward that would exceed population projections in the regional Clean Air Plan.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR; however, this impact would remain significant and unavoidable until the population projections from the Project are incorporated into the Clean Air Plan.

Facts in Support of Finding: Mitigation Measure 4.2-1 requires the City of Hayward to consult with the Association of Bay Area Governments to include build-out populations of the chosen alternative into future regional population projections for future inclusion into the Clean Air Plan. However, since an inconsistency currently exists, this impact is significant and unavoidable.

Potentially Significant Impact: Impact 4.2-2 (Cumulative Air Quality Impacts): Each of the alternatives would result in the generation of significant quantities of ozone precursors, which are a major constituent of regional air pollution.

Finding: Changes or alterations have been required in, or incorporated into, the project; however, even with mitigation, this impact would remain significant and unavoidable.

Facts in Support of Finding: Mitigation Measure 4.2-2 requires implementation of Mitigation Measure 4.2-1; however, even with such measure being implemented, this impact would still remain as a significant and unavoidable impact given the scale of potential development and resulting generation of ozone precursors that would be associated with such development.

Potentially Significant Impact: Impact 4.3-1 (Hazards and Hazardous Materials): Demolition and deconstruction of existing buildings, utility facilities and other older structures could release hazardous and potentially hazardous material into the atmosphere including asbestos containing materials, including within the soil, lead-based paints and other hazardous substances, potentially resulting in health hazards to construction employees and local visitors and residents.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Mitigation Measure 4.3.1 requires that, prior to commencement of demolition or deconstruction activities within the project area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department, for required site clearances, necessary permits and facility closure with regard to demolition and deconstruction and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with state and Federal OSHA standards. Worker safety plans shall be included for all demolition or deconstruction plans.

Also, prior to commencement of grading activities within the project area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable regulatory agencies, remediation plans shall be prepared and implemented to remediate any hazards to acceptable levels and shall identify methods for removal and disposal of hazardous materials. Worker safety plans shall be prepared and implemented. All required approvals and clearances shall be obtained from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, Department of Toxic and Substances Control and Bay Area Air Quality Management District.

Potentially Significant Impact: Impact 4.3-2 (Potential Soil and Groundwater Contamination): Redevelopment of the South Hayward BART Station project area could uncover deposits of petroleum products, underground tanks and other features that could contaminate soil and/or groundwater.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Prior to approval of building or demolition permits, project developer(s) in the project area shall prepare a Phase I environmental site analysis and, if warranted by such analysis as determined by the Hazardous Materials Division of the Hayward Fire Department or other regulatory agency, a Phase II environmental site analysis shall also be conducted. Recommendations included in the Phase II analysis for remediation of hazardous conditions shall be followed, including contact with appropriate regulatory agencies to obtain necessary permits and clearances. No construction (including grading) shall be allowed on a contaminated site until written clearances are obtained from appropriate regulatory agencies.

Potentially Significant Impact: Impact 4.4-1 (Drainage): Construction of land uses under all of the alternative concept plans could increase the amount of stormwater leaving the project site that could impact the ability of downstream local and regional drainage facilities to safely accommodate increased amounts of stormwater.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Mitigation Measure 4.4-1 requires the preparation of site-specific drainage plans for all future construction within the project area prior to project approval. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda Flood Control and Water Conservation District staff prior to approval of the proposed development project.

Potentially Significant Impact: Impact 4.4-2 (Flooding Impacts): Construction of buildings or other improvements within that portion of the project area within a 100-year flood zone could result in significant impacts to these improvements and to future residents, employees and visitors.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Prior to construction within a 100-year flood plain area, project developers shall either:

- a) Submit a hydrology and hydraulic study prepared by a California-registered civil engineer proposing to remove the site from the 100-year flood hazard area through increasing the topographic elevation of the site or similar steps to minimize flood hazards. The study shall demonstrate that flood waters would not be increased on any surrounding sites, to the satisfaction of City staff.
- b) Comply with Section 9-4.110, General Construction Standards, of the Hayward Municipal Code, which establishes minimum health and safety standards for construction in a flood hazard area.
- c) Apply to the City for a Conditional Letter of Map Revision (CLOMR) to remove the site from the FEMA Flood Insurance Rate Map 100-year flood hazard area.

Potentially Significant Impact: Impact 4.5-1 (Construction Noise Impacts): Future residents within the project area and adjacent residential areas could be subject to short-term and significant noise due to the demolition/deconstruction of existing improvements and construction of new buildings and associated infrastructure improvements within the project area. Construction noise impacts would be greater under the Urban Concept Alternative and less intense for the Suburban and Blended Concept Alternatives, which would involve less development.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Construction Noise Management Plans shall be prepared for all development projects within the project area, including public and private projects. Each plan shall specify measures to be taken to minimize construction noise on surrounding developed properties. Noise Management Plans shall be approved by City staff prior to issuance of grading or building permits and shall contain, at minimum, a listing of hours of construction operations, a requirement for the use of mufflers on construction equipment, limitation on on-site speed limits, identification of haul routes to minimize travel through residential areas and identification of noise monitors. Specific noise management measures shall be included in appropriate contractor plans and specifications.

Potentially Significant Impact: Impact 4.5-2 (Permanent Noise Impacts): Future residents within the project area could be subject to noise levels in excess of City noise exposure levels caused by existing and future vehicle traffic along Mission Boulevard, BART operations and commercial operations.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Site-specific acoustic reports shall be prepared for future residential projects within the project area. Each report shall include a summary of existing noise levels, an analysis of potential noise exposure levels, consistency with City of Hayward noise exposure levels and specify measures to reduce exposure levels to City of Hayward noise standards.

Potentially Significant Impact: Impact 4.6-1 (Population Increase): Approval of the Urban or Suburban Concept Plans would exceed population estimates for the City of Hayward published by the Association of Bay Area Government (ABAG).

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

If the City approves either the Urban or Suburban Concept alternatives, or development projects reflective of anticipated population associated with such alternatives, the City of

Hayward shall consult with ABAG to ensure buildout populations for the project area are included in future regional projections.

Potentially Significant Impact: Impact 4.7-1 (Level of Service at Dixon Street/Tennyson Road intersection): The proposed land use densities near the intersection of Dixon Street and Tennyson Road under the Blended and Urban scenarios would result in LOS E and F in the 2025 AM peak period.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Northbound and southbound left turn lanes shall be provided and the existing signal at Dixon Street/Tennyson Road shall be modified at this intersection to provide for protected-permissive northbound and permissive southbound left turns. This action would improve LOS D in the AM peak under both the Blended and Urban scenarios.

Potentially Significant Impact: Impact 4.7-2 (Level of Service at Mission Boulevard/Industrial Parkway): The proposed land use densities along the Mission Boulevard corridor under the Urban scenario would result in Level of Service E at this intersection in the 2025 AM peak period.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

The traffic signal at this intersection would be modified to provide eastbound and westbound right-turn overlap phases. This would require prohibiting both northbound and southbound U-turns and would improve the Level of Service to D in the 2025 AM peak period at the Mission Boulevard/Industrial intersection.

Potentially Significant Impact: Impact 4.7-3 (Parking Resources): The proposed land use densities in the project area, as well as potential for reduced BART replacement parking and reduced parking ratios for residential development projects could result in potentially significant impacts related to parking resources available to other users of on-street parking or access to businesses.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

The mitigation measure contained in the Program EIR would require detailed parking studies for future developments in the project area to ensure impacts of development on parking resources will be less-than-significant. If determined to be necessary as a result of such studies, mitigation measures will be required to be implemented.

Potentially Significant Impact: Impact 4.7-4 (Cumulative Traffic Impacts): Some roadways in the Hayward area would continue to operate at less than acceptable levels. Therefore, cumulative traffic impacts anticipated by the South Hayward BART project are expected to be potentially significant.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR; however, cumulative traffic impacts are anticipated to remain significant and unavoidable.

Facts in Support of Finding: The General Plan Update EIR indicates that regional through traffic accounts for up to 25 to 30 percent of the peak hour trips on some major arterials within the City and that "the City's ability to mitigate this traffic through land use planning is limited." The General Plan Update EIR concluded that "it is likely that some roadways will continue to operate at less than acceptable levels due to physical constraints, funding limitations, and regional growth patterns. Therefore, the overall traffic impact is expected to be significant and unavoidable."

Potentially Significant Impact: Impact 4.8-1 (Fire Services): Approval of the proposed project with any of the proposed alternative concept plans would represent a significant impact to the Hayward Fire Department, since the amount of future development, including both the number of dwellings and anticipated taller structures, could not be served by existing department resources and facilities.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

If the City determines new or replacement equipment is needed, future developers shall:

- (a) Pay a fair share contribution to the City of Hayward to finance the acquisition of new equipment to serve proposed developments, including those associated with mid to high rise structures (3 to 7 stories); and
- (b) Pay a fair share contribution to the City of Hayward to finance the acquisition of traffic pre-emption devices along Mission Boulevard, as determined by the Hayward Fire Chief, to ensure emergency equipment can access new construction in the project area.

Potentially Significant Impact: Impact 4.8-2 (Police Services): Approval of the proposed project with any of the proposed alternatives could represent a significant impact to the

Hayward Police Department, since the amount of future development and resulting calls for service may not be adequately served by existing department resources and facilities.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

If the City of Hayward determines new or replacement police equipment is needed, future developers shall pay a fair share contribution to the City of Hayward to finance the acquisition of such equipment, including but not limited to vehicles.

POTENTIALLY UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL IMPACTS.

4. The EIR indicates that implementation of the South Hayward BART/Mission Boulevard Project may have potentially unavoidable significant environmental impacts related to regional traffic congestion and cumulative traffic, inconsistency with the regional Clean Air Plan and cumulative air quality emissions. Because of the programmatic nature of the South Hayward BART/Mission Boulevard Project and the EIR, it cannot be determined with certainty at this time that this impact can be mitigated in each case.

Regional traffic growth and roadway congestion is anticipated to remain significant after the implementation of reasonably feasible mitigation measures. Overall growth trends in the region and the limited land area and capital resources for major changes in development patterns in the City are likely to result in on-going traffic congestion on several roadways in the City and the vicinity.

Similarly, implementation of "smart growth" development around the South Hayward BART station, as encouraged by the Hayward General Plan and other regional planning agencies, will result in land use densities and intensities above that currently provided for in the General Plan and regional growth projections. Once the City has provided increased population densities to regional planning agencies, this impact would become less-than-significant.

The amount of intense development around the South Hayward BART station will also result in a large population concentration in the project area, with associated vehicle trips, even though a number of residents, visitors and employees will likely use alternative transit modes. The total amount of new population would exceed standards of significance adopted by the Bay Area Air Quality Management District for cumulative air quality impacts.

ATTACHMENT S

STATEMENT OF OVERRIDING CONSIDERATIONS
Addressing the Significant and Unavoidable Impacts identified in the
South Hayward BART/Mission Boulevard Concept Design Plan Project
Final Environmental Impact Report

The City of Hayward adopts and makes this statement of overriding considerations related to adoption of the South Hayward BART/Mission Boulevard Concept Design Plan and associated amendments to the General Plan and Zoning Ordinance, and the resulting unavoidable and significant impacts related to air quality and regional traffic, in order to explain why the benefits of implementing the project override and outweigh such impacts.

Significant and Unavoidable Impacts

Inconsistency with an Air Quality Plan (Impact 4.2-1): Each of the three proposed concept plan alternatives would generate additional population in the City of Hayward that would exceed population projections contained in the regional Clean Air Plan.

As noted in the DEIR, however, such impact would be temporary and would be eliminated once the Association of Bay Area Governments (ABAG) recognizes amendments to the Hayward General Plan related to this project, and incorporates the anticipated additional population in its next round of projections.

Cumulative Air Quality Impacts (Impact 4.2-2): Each of the three proposed concept plan alternatives would result in the generation of significant quantities of ozone precursors which are a constituent of regional air pollution.

Cumulative Traffic Impacts (Impact 4.7-4): Some roadways in the Hayward area will continue to operate at less than acceptable levels. Therefore, cumulative traffic impacts anticipated by the South Hayward BART project are expected to be *potentially significant*.

The Environmental Impact Report on the South Hayward BART/Mission Boulevard Concept Design Plan project utilizes analyses in the General Plan Update EIR related to cumulative traffic impacts associated with regional traffic to conclude that such impacts are significant and unavoidable. As reflected in Table 6.6 and Figure 6.5 of the General Plan Update EIR, some intersections and roadway segments throughout the City are expected to operate at Levels of Service E or F in the year 2025. The General Plan Update EIR indicates that regional through traffic accounts for up to 25 to 30 percent of the peak hour trips on some major arterials within the City and that "the City's ability to mitigate this traffic through land use planning is limited." The General Plan Update EIR concluded that "it is likely that some roadways will continue to operate at less than acceptable levels due to physical constraints, funding limitations, and regional growth patterns. Therefore, the overall traffic impact is expected to be significant and unavoidable."

Benefits of Project

Adoption and implementation of the South Hayward BART/Mission Boulevard Concept Design Plan and related amendments to the General Plan and Zoning Ordinance (the "Project") will provide substantial benefits to the City of Hayward by:

1. Providing for additional much-needed housing in the City, some of which would be affordable in accordance with the City's Inclusionary Housing Plan and Redevelopment Area provisions, and assisting the City in meeting quantified housing objectives contained in the Housing Element of the Hayward General Plan, without substantially increasing local traffic impacts compared with traditional development trends;
2. Promoting the conversion of older commercial uses and areas that are no longer economically feasible to a state-of-the-art, urban-scale mixed use neighborhood;
3. Helping to create a vibrant, livable neighborhood with high-quality, safe, well-used public spaces;
4. Providing opportunities for intensified land uses to encourage the development of a transit-friendly, smart-growth area near an existing BART station, consistent with regional planning objectives;
5. Encouraging the highest-intensity residential uses and essential community services within a short walking distance to the South Hayward BART Station, thereby reducing reliance on the automobile, which will lessen traffic congestion and air pollution;
6. Increasing local jobs and economic return to the City of Hayward and Hayward Redevelopment Agency;
7. Providing incentives for landowners to remediate identified soil and groundwater contamination conditions;
8. Providing economic incentives to provide missing public infrastructure improvements or upgrade older such facilities;
9. Providing opportunities for development of new public facilities, including a community center and the expansion of Bowman School;
10. Encouraging coordinated development that enhances the existing neighborhood fabric;
11. Managing public and private parking resources to enhance the livability of the neighborhood;
12. Encouraging development that is oriented towards the street and is scaled to the pedestrian; and
13. Promoting design that relates to the existing neighborhoods through building height, setbacks and massing that steps down to transition to existing buildings.

Therefore, the City of Hayward finds that the significant and unavoidable impacts associated with adoption of the South Hayward BART/Mission Boulevard Concept Design Plan Project are acceptable in light of the above benefits.

**DUE TO THE COLOR OF
ATTACHMENT “T”, IT HAS BEEN
ATTACHED AS A SEPARATE LINK**